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CONSERVATION LAWS OF MARYLAND

RELATING TO
OYSTERS, FISH, CRABS, CLAMS, TERRAPIN,
WILD FOWL, BIRDS, GAME AND
FUR-BEARING ANIMALS.



PUBLISHED 1916
BY
CONSERVATION COMMISSION
OF MARYLAND

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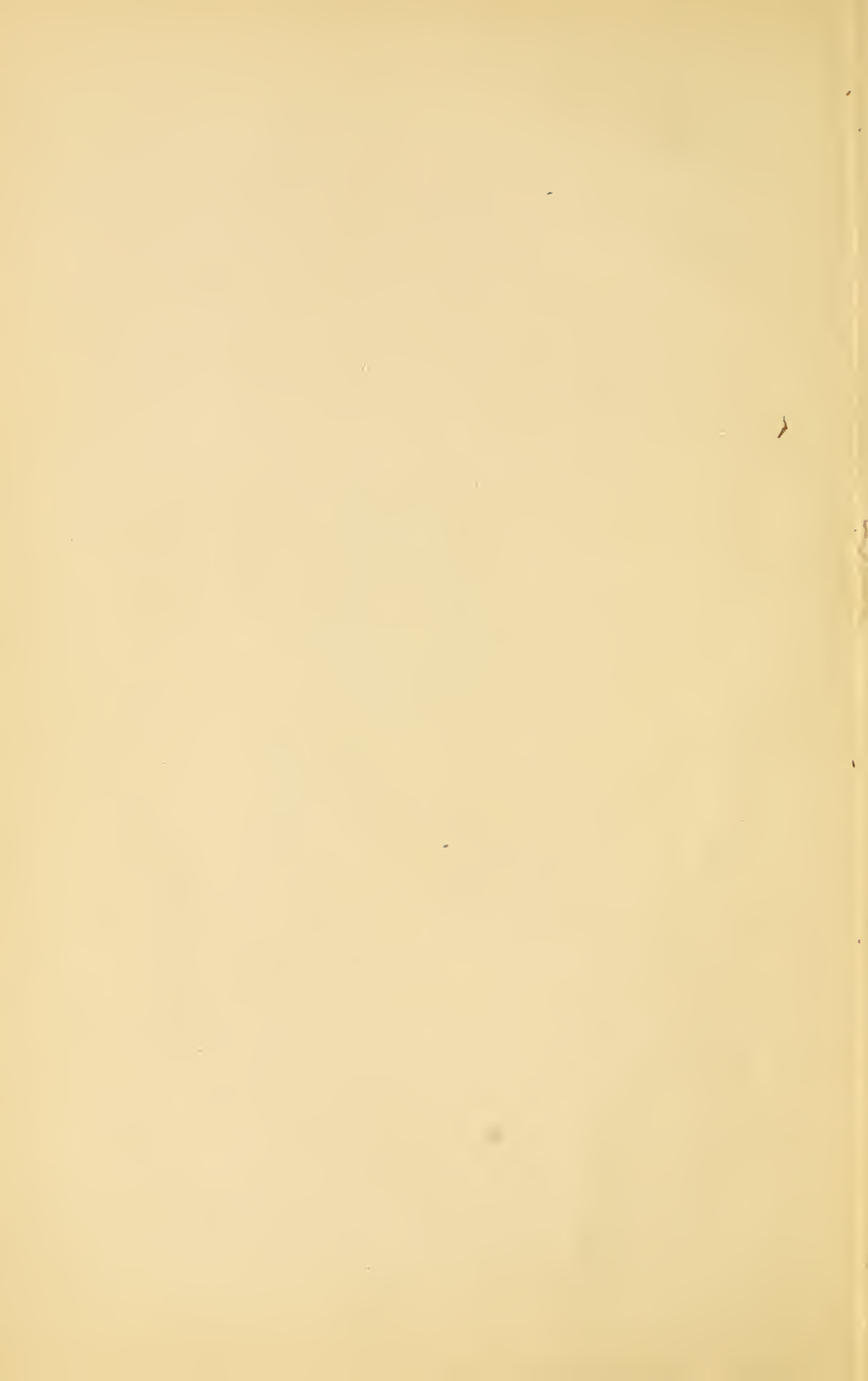


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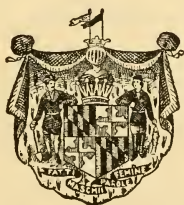




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WILD FOWL, BIRDS, GAME AND
FUR-BEARING ANIMALS.



COMPILED 1916 BY
W. THOMAS KEMP,
CHAIRMAN CONSERVATION COMMISSION
OF MARYLAND

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CONSERVATION COMMISSION

OF MARYLAND

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COMMISSIONERS

W. THOMAS KEMP, CHAIRMAN

WILLIAM H. KILLIAN,

J. EDWARD WHITE.

STAFF

SWEPSON EARLE, ENGINEER

THOMAS C. B. HOWARD, COMMANDER

E. LEE LeCOMPTE, GAME WARDEN



OFFICE
512 MUNSEY BUILDING
BALTIMORE, MD.

D. of D.
FEB 27 1917

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NOTE.—This Edition contains the *general* laws of Maryland now in force (including Acts of 1916) relating to Oysters, Fish, Crabs, Clams, Terrapin, Wild Fowl, Birds, Game and Fur-Bearing Animals. Some laws have been epitomized in whole or in part, but in such cases, Code references are given. *Local* laws are not included in this Edition, except county licenses on pages 114-5 hereof.

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PART I—ACT CREATING CONSERVATION COM-
MISSION OF MARYLAND.

(Acts 1916, Chapter 682.)

ANNOTATED CODE OF MARYLAND, ARTICLE 19-A.

1. The Conservation Commission of Maryland is hereby created and established. The said Commission shall consist of three members, citizens and residents of this State, all of whom shall be men specially informed in one or more of the following subjects: oysters, clams, fish, crabs, terrapin, wild fowl, birds, game and fur-bearing animals. The members of the Commission shall be appointed by the Governor, and he shall designate one of said members to act as Chairman of the Commission. The term of the members of the Commission shall be four years from the first Monday in June succeeding their appointment. The Governor shall have power of removal for cause and he shall fill vacancies in the Commission however occurring. In all cases the decision of a majority of the members of the Commission shall be binding. The salary of each Commissioner shall be \$3,000 a year, and he shall be entitled to receive in addition thereto the necessary traveling expenses and disbursements incurred by him in the discharge of his official duties. The Commission shall at the time of its organization, and from time to time thereafter, adopt such by-laws and rules of procedure for the conduct of its business as it may deem necessary.

2. The Commission shall establish and maintain an office where its meetings may be held, and where all books, records, charts and other official papers and documents relating to the work of the Commission shall be kept. The Commission shall employ a chief clerk at an annual salary not exceeding \$1,500, a deputy clerk at an annual salary not exceeding \$1,200, and, with the approval of the Governor, such other employees as the Commission may deem necessary.

3. The Commission shall have general supervisory power, regulation and control over the following natural resources of the State, viz: (1) oysters and clams; (2) fish, crabs and terrapin; (3) wild fowl, birds, game and fur-bearing animals. The Commission shall be charged with the execution of all laws now in force or hereafter enacted relating to any of the above subjects.

4. The Commission shall appoint the following staff officers, who shall conduct the work of their respective departments under the authority and supervision of the Commission:

(1) *Engineer*, at an annual salary not exceeding \$3,000, who shall have had experience in scientific and practical work relating to fish and shell fish. He shall have charge of surveying and marking natural oyster bars, reserved areas, leased bottoms, crabbing grounds, clam grounds, fish hatcheries, and any other areas set apart by the Commission for special purposes. He shall also have immediate charge of the experimental work conducted by the Commission in the propagation of oysters, fish and crabs. He shall also be allowed necessary traveling expenses and disbursements incurred in the discharge of his official duties, not to exceed \$500 per annum.

(2) *Commander of the State Fishery Force*, at an annual salary not exceeding \$2,000, who shall have charge of all boats now or hereafter composing the State Fishery Force or Oyster Navy. The fleet under his command shall be charged with the execution of the laws relating to oysters, clams, fish, crabs, terrapin, wild ducks, wild geese and all other water game and fur-bearing animals. The Commission shall also appoint the deputy-commanders of the boats of the State Fishery Force, and the commander and deputy-commanders shall appoint their respective crews. The salaries of the deputy-commanders and crews shall be those now or hereafter provided by law.

(3) *State Game Warden*, at such annual salary as may now or hereafter be fixed by law, who shall also be allowed his necessary traveling expenses and disbursements in the

discharge of his official duties. The Commission shall appoint and issue commissions to such deputy game wardens as may be designated to it by the State Game Warden, and the Commission may revoke and annul any such appointment at its pleasure. The duties and powers of the State Game Warden and of the deputy game wardens shall be those now or hereafter prescribed by law, and they shall report to the Conservation Commission whenever required.

5. The Commission shall take over and exercise all of the respective functions, discretions, powers and duties heretofore exercised by the Commissioners of Fisheries, the Board of Shell Fish Commissioners, the State Conservation Bureau and the Commander of the State Fishery Force and the State Game Warden, and to that end the records, charts, papers, documents and all other papers and property of said boards and officers, or any of them, shall be transferred to and kept in the office of the Conservation Commission of Maryland. The following offices are hereby abolished, viz: The Commissioners of Fisheries, the Board of Shell Fish Commissioners and the State Conservation Bureau. The Commander of the State Fishery Force and the State Game Warden are placed upon the staff of the Commission as hereinbefore provided.

6. The Commission shall adopt such measures as it may deem expedient to promote and encourage the leasing of the barren bottoms of the State for purposes of oyster culture under the present or future laws of the State, and the Commission shall take such steps as it can to stimulate an interest in private planting thereon.

7. The Commission shall have charge of the operation and cultivation and replenishing of reserved areas upon the depleted natural bars of the State, and it shall have and exercise all of the discretion heretofore vested in the Commander of the State Fishery Force as to setting aside or reopening any of the depleted areas reserved for oyster conservation.

8. The Commission shall have control over the inspection of oysters, fish or crabs wherever caught or sold in the State of Maryland and of the enforcement of the cull laws and other protective measures. They shall see that all laws relating to licenses and inspections are enforced; and the general measurers and inspectors of oysters and the special inspectors shall be appointed by the Commission and shall report to it whenever required.

9. The funds now known as the "Oyster Fund," the "Oyster Conservation Fund," and the "Fund for the Conservation of Natural Oyster Bars," are hereby consolidated into a fund to be known as the "Conservation Fund," and the moneys now paid or which would be hereafter payable into the State Treasury to the credit of any of said funds, including all revenue from oyster culture, shall be placed in the "Conservation Fund" and shall be under the exclusive control of the Commission, and shall be drawn upon for the payment of office rent and supplies, for salaries and expenses of members of the Commission, its staff and employees, for equipment and maintenance of the State Fishery Force, and for any other expenses incurred by the Commission in the propagation, cultivation and protection of the natural resources of the State above enumerated, the surplus, if any at the end of the fiscal year fixed by the Commission, to become a part of the general funds of the State Treasury, first reserving, however, a balance of ten thousand dollars at the end of each year to be applied by the Commission to its current expenses for the ensuing year. The fund now known as the "State Game Protection Fund," shall be placed under the supervision and control of the Commission, but the moneys in said fund shall be used solely for the salaries, and expenses of the State Game Warden and his subordinates, and for the protection and propagation of birds and game of all kinds, the Commission to make an equitable distribution of said fund among the counties of the State, in proportion to the amounts contributed to said fund by the respective counties.

10. The Commission is empowered to provide for the vessels of the State Fishery Force such arms, ammunition and equipment as may be required, and the Commission may from time to time make such repairs and additions to the vessels of the force as may in its discretion be necessary for the efficiency of the force, provided that all moneys expended by the Commission for such purposes shall be paid out of the Conservation Fund under its control, unless other funds are specially appropriated therefor by the General Assembly.

11. It shall be the duty of the Commission, on or before the second Monday in January in each year, to prepare and present to the Governor of the State a printed report showing the operations of the Commission during the preceding year, in which report shall be plainly set forth the amounts of revenue derived from the several industries under the supervision of the Commission, and also the amounts of money expended by the Commission and for what purpose. It shall be the duty of the Commission to recommend from time to time such further legislation as it may deem advisable.

12. The main object of this Article being to centralize and vest in the Conservation Commission entire control of the above mentioned natural resources of the State, it is hereby declared to be the intent of this Act that the said Commission shall supersede the former boards and officers to whom the administration of the law relating to such resources respectively has heretofore been entrusted. In case any section or provision of this Act shall be held unconstitutional or invalid, the same shall not be held to affect any other section or provision of this Act.

PART II—OYSTERS; GENERAL LEGISLATION.

(Code, Article 72.)

TONGING.

1. **TONGING LICENSE.** Any resident of this State desiring to catch oysters with rakes or tongs, for sale, in any of the waters of this State shall first obtain by application to the clerk of the circuit court for the county wherein he may reside a separate license for every person to be employed on such boat, and such license shall have effect from the first day of September, in the year which it may have been obtained, to the twenty-fifth day of April, inclusive, next succeeding; provided, that such license shall not authorize the taking or catching of oysters in any creek, cove, river, inlet, bay or sound within the limit of any county other than that wherein the license shall have been granted; and that the boundaries of the counties on navigable waters shall be strictly construed so as not to permit the residents of either county to take or catch oysters beyond the middle of the dividing channel; provided, that nothing in this section shall be so construed as to prevent the citizens of Queen Anne's and Kent Counties from using the waters of Chester River in common, or the citizens of Dorchester and Wicomico Counties from using the waters of Nanticoke River in common, or the citizens of Queen Anne's and Talbot Counties from using the waters of the Wye River and the mouth thereof in common, or the citizens of Dorchester and Talbot Counties from using the waters of the Choptank River in common; provided, however, that the county commissioners shall be authorized to give special permission to any woman who has no visible means of support to take and catch oysters without license.

2. **CONTENTS OF LICENSE AND DISPOSITION OF FEES.** Each and every license issued in conformity to the provisions of Section 1 of this Article shall state the name, color, age and residence of the person to whom the license

is to be granted, the number thereof and the county in which the same is to be used; and every applicant for such license shall pay to the clerk of the circuit court when such license may be granted, and before the issuing and delivery of the same, three and one-half dollars, the clerk to receive twenty-five cents for each and every such license as a fee for issuing the same, including administering the oath when required. Two-thirds of the amount received for such license shall be paid by the clerk to the school commissioners for the use of the public schools in the respective counties where such licenses are issued, and of this amount the portion received from white tongers to go to the white schools, and the portion received from the colored tongers to go to the colored schools, and the remaining one-third to be paid over by the clerk to the Comptroller of the State Treasury, to be credited to the oyster fund. And one-third of the amount received from any tonging license in any county in this State shall be paid by the clerk of the circuit court of the county when received, to the Comptroller of the Treasury, to be credited to the oyster fund, any provision of any public local law or public general law to the contrary notwithstanding.

3. OATH REQUIRED. Every applicant for license as aforesaid shall be required to make oath or affirmation before the clerk authorized to issue the same, or some justice of the peace, on whose certificate of the taking of such oath or affirmation the clerk shall issue said license; that the facts set forth therein are strictly true; that he has been a bona fide resident of the county for twelve months next preceding his application for said license; that he desires and intends to use said license in the county in which he resides or the waters used in common, as provided in this article, and that he will comply with and obey all laws of this State regulating the taking or catching of oysters.

4. ISSUANCE AND EXPIRATION OF LICENSES. The Comptroller of the Treasury shall cause to be printed and delivered to the clerks of the circuit courts for the several counties the requisite number of such blank licenses and

take receipts for the same as for other licenses furnished; and said clerks shall, on the first Monday of March and December of each year, return to the Comptroller a list and account of such licenses issued by them, and at the end of each tonging season shall return all unused licenses to him and shall pay over to the Comptroller one-third of the amount received by them for such licenses, which amount the said Comptroller shall place to the credit of the oyster fund; and no license to take or catch oysters with rakes or tongs shall be used on any boat or vessel which is licensed to take or catch oysters with scoop, drag, dredge or any similar instrument during the season for which such boat or vessel is licensed; and all licenses shall expire at the end of the season.

5. PENALTY. If any person shall take oysters with rakes or tongs, for sale, without first having obtained a license as required by the preceding sections of this article, he shall, upon conviction thereof before a justice of the peace for the county wherein the offense has been committed, be fined not less than twenty nor more than one hundred dollars, and stand committed to the county jail till all costs and fines are paid; and in any such case the boat or vessel used by him shall be forfeited, and may be condemned, in the discretion of the judge or justice of the peace, in the manner provided in Section 25. All persons taking or catching oysters under the provisions of this article shall exhibit their authority for so doing when required by any officer of the oyster police force, or other officers of the State.

6. WHAT TONGING DEVICES PERMITTED IN CERTAIN WATERS. It shall be unlawful for any person or persons who have obtained a license to take or catch oysters with rakes or tongs to take or catch oysters in the waters of Queen Anne's, Kent, Talbot, Anne Arundel and Dorchester Counties, or within one and a half miles of Sandy Point, Hackett's Point, Tolley's Point, Thomas' Point, Holland's Island Bar and Three Sisters and Holland's Point Bar with any implement or device other than ordinary rakes and tongs with wooden shafts, to be used entirely by

hand, and without any ropes or hoisting gear whatever. Any person or persons violating any one of the provisions of this section shall be liable to the penalties prescribed in the preceding section for taking oysters with rakes or tongs without license; and the waters within one and a half miles of Sandy Point, Hackett's Point, Tolley's Point, Thomas' Point, Holland's Island Bar and Three Sisters and Holland's Point Bar shall be held and considered to be within the limits of Anne Arundel County for the purpose of this section and article.

7. WHAT TONGING DEVICES PERMITTED IN PATUXENT RIVER. It shall be unlawful for any person or persons who have obtained a license to take or catch oysters in the waters of the Patuxent River above or north of a line drawn from the north side of Kourkles Creek in St. Mary's County to the southeast side of the mouth of Hungerford Creek in Calvert County, with any implement or device other than ordinary rakes and tongs with wooden shafts, to be used entirely by hand, and without any ropes or hoisting gear whatever. Any person or persons violating any one of the provisions of this section shall be liable to the penalties prescribed in Section 5 for taking oysters with rakes and tongs without license.

CULLING.

8. CULLING OF OYSTERS. All oysters taken from any of the waters of this State, either with scoops, dredges or any similar instruments, or tongs or rakes, shall be culled upon their natural bed or bar whence taken; and all shells shall be returned to the bed or bar from which they were taken; and all oysters whose shells measure less than two and one-half inches in length, measuring from hinge to mouth, shall be included in said culling and replaced upon said bed or bar as taken; and the culling of oysters taken as aforesaid required by this section shall be actually made and completed before such oysters are thrown or deposited in the hold or bottom of any such canoe or boat or vessel aforesaid.

9. **UNDERSIZED OYSTERS.** Any person, who shall have oysters in his possession which contain more than five per cent. of shells, and oysters less than two and one-half inches from hinge to mouth, which for the purpose of this article are declared to be unmerchable oysters, shall be guilty of a misdemeanor; and in ascertaining such percentage the officers of the oyster police force and the measurers and inspectors are hereby authorized and directed to select such amount of oysters from any pile, hold, bin, house or other place as he may think proper and to require the same to be culled and disposed of, as provided in Section 11 of this article; and any person violating any of the provisions of this section shall be subject to the penalties and fines provided in Section 11 of this article, in precisely the same manner as if he were a captain of a boat.

10. **PROHIBITING SHIPMENT OF UNDERSIZED OYSTERS OUT OF STATE—PENALTY.** It shall be unlawful for any person to transport, or attempt to transport, outside of this State, for any purpose whatsoever, unmerchable oysters, as declared in the preceding section of this article, whether the unmerchable oysters be taken from or caught on the natural bars or beds of this State, or from private beds and lots in this State; and any violation of the provisions of this section shall be deemed a misdemeanor, and the captain or person in charge of any boat or vessel used in violation of the same shall, upon conviction of violating the provisions of this section before any justice of the peace or court of competent jurisdiction, be sentenced to the House of Correction for a period of not less than three months nor more than six months, and the boat or vessel so used shall be forfeited, but shall be released upon the payment of a fine not less than \$100 and not more than \$300, and the cargo of such vessel shall be confiscated to the State and shall be distributed under the supervision of the commander or some deputy commander, or general oyster inspector of the State Fishery Force, upon the natural rocks and bars.

11. INSPECTION REQUIRED BEFORE SALE; UNDERSIZED OYSTERS TO BE RETURNED TO BAR WHERE TAKEN. It shall be unlawful for any packer, commission man or other person to purchase or receive any cargo, or any part of a cargo, of oysters unless a general inspector, measurer or special inspector shall be present, and said inspector or measurer shall cause to be culled any portion or all of the cargo necessary to determine the percentage of culls in said cargo, and if the said percentage shall be more than five per cent. of unmerchantable oysters of the portion of cargo so measured, then the said cargo shall be deemed to be unculted, and the captain, master or person in charge of such oysters shall be required to cull the whole cargo, and, in case said cargo contains more than five per cent. of unmerchantable oysters, be fined the sum of twenty-five dollars, and in addition to that the sum of six cents per bushel for the entire cargo, including all shells and oysters, large and small, in his or their possession or charge, and also a further fine of one additional cent per bushel on the entire cargo for each additional one per cent. of unmerchantable oysters which said cargo may be found to contain; and the inspector or measurer, after ascertaining the quantity of unmerchantable oysters so culled out, shall give the captain or other person in charge of said vessel a certificate showing the number of bushels of such unmerchantable oysters, and said captain or other person in charge shall return the said unmerchantable oysters so culled out and scatter them on the ground or rocks whence taken, under the direction of the deputy commander of the oyster police boat on the beat; and upon such delivery and scattering, the deputy commander or other person in charge of the oyster police boat shall endorse the said certificate as to the number of unmerchantable oysters so scattered, which certificate shall entitle the captain, his assignee, or any other person entitled thereto to receive the sum of ten cents per bushel for each bushel of unmerchantable oysters so disposed of and scattered; and the Comptroller of the Treasury shall, upon presentation of such certificate so endorsed, draw his warrant on the oyster fund in favor of the party entitled to the same for the

amount therein specified. The fine of twenty-five dollars and the per bushel rate fine herein mentioned to be recovered on conviction before a justice of the peace or a court of competent jurisdiction, and in the event that the party who has thus violated the provisions of this article be supposed to be financially irresponsible, the officer preferring the charge shall demand of the purchaser of the cargo to withhold and pay over to the proper authority such amount, and if said purchaser shall refuse or fail to do so, the amount shall be recovered from him by writ of fieri facias on the judgment obtained against the party who has so violated the law. (Form of certificate omitted, see Code.)

12. VESSEL TO REMAIN AT WHARF UNTIL INSPECTION COMPLETED. It shall be the duty of the captain or other person in charge of any vessel from which oysters are being taken, as provided in Section 11 of this article, to keep said vessel at the wharf or other place of delivery until the inspector of oysters shall have inspected the oysters dumped on deck, as provided for in the preceding section, and give a certificate in form stated. (See Code.)

And any violation of this section by any captain or other person in charge of any vessel shall be a misdemeanor, and shall be fined the sum of one hundred dollars for every such offense.

13. EVASION OF INSPECTION; TIME FOR DELIVERY OF OYSTERS; PENALTIES. Any packer, commission man, boatman or other person who shall conspire or agree with any other person to evade any of the provisions of this article, or shall connive at or participate in such violation, shall be guilty of a misdemeanor. It shall be unlawful for any captain or other person in charge of a vessel to discharge his oysters, or for any packing house or any other person to receive oysters between the hours of 8 o'clock P. M. and 6 o'clock A. M. Any violation of this section shall be a misdemeanor punishable by a fine of not less than one hundred dollars and not more than five hundred dollars for each offense on conviction before a court of competent jurisdiction; one-half of said fine to go to the in-

former and the other one-half to the Comptroller to be placed to the credit of the oyster fund, unless the informer be an officer of the State Fishery Force. And the general inspectors and measurers or special inspectors shall be on duty continuously during the working or delivery hours, viz: from 6 A. M. to 8 P. M.

14. INSPECTOR'S DUTIES AND POWERS. It shall be the duty of general measurers and inspectors of oysters and other officers of the police force to supervise the operation of this article and diligently to aid in the enforcement of its provisions, and they and any of them are authorized and empowered to enter into any house or boat, or any other place where oysters may be dumped or stored, to inspect the same at any time; and any packer, commission man or boatman who shall refuse to open his house or boat where oysters may be dumped or stored for the inspection thereof by the officer whose duty it shall be to inspect the same, and any person who shall conspire or agree with any other person to evade any of the provisions of this article, or who shall connive at or participate in such violation, shall be deemed guilty of a misdemeanor and subject to the penalties prescribed in Section 13 of this article.

15. DISMISSAL OF INSPECTORS. Any general measurer or inspector of oysters in this State who shall knowingly permit any evasion or violation of this article to take place without causing the arrest of the offender shall be guilty of a misdemeanor and, upon conviction of the same, shall be dismissed from the service and be fined not less than fifty dollars nor more than three hundred dollars, in the discretion of the court or justice of the peace.

TIME FOR TAKING OYSTERS.

16. CLOSED SEASON. It shall be unlawful for any person to take or catch oysters, or have oysters in his or their possession, between the twenty-fifth day of April and the first day of September in each and every year; provided, that oysters caught before the twenty-fifth day

of April may be disposed of at any time before the thirtieth day of April; nor shall it be construed to prevent any person from taking oysters at any time from his private beds within the State for private use or transplanting or cultivating but not for sale. Persons violating the provisions of this section shall be deemed guilty of a misdemeanor.

17. PENALTIES. Any person who shall violate any provision of Sections 8 and 16 of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be fined not less than fifty dollars nor more than three hundred dollars, in the discretion of the court or justice of the peace by which such person shall be tried, or be imprisoned in the county or city jail or in the House of Correction for not less than one month nor more than twelve months, in the discretion of such judge or justice of the peace; provided, however, that any owner, master or person in charge of a canoe or boat used in taking or catching oysters with rakes or tongs who shall be convicted of having in his possession on said canoe or boat oysters containing more than five per cent. of unmerchantable oysters, as provided in Section 9, shall be required to cull his cargo and dispose of the culls as required in Section 11 of this article, and shall be fined a sum not less than ten dollars nor more than fifty dollars, in the discretion of the judge or justice of the peace before whom such person shall be tried; one-half of every fine imposed for any violation of this section shall be paid to the informer, unless he be an officer of the State Fishery Force.

18. CATCHING OYSTERS ON SUNDAY OR AT NIGHT PROHIBITED. It shall be unlawful for any person to take or catch oysters on Sunday or at night; and any person violating this section shall, on conviction thereof, be fined a sum of not less than fifty dollars nor more than three hundred dollars, or sentenced to the House of Correction for a period of not less than three months nor more than

one year, or forfeit the boat, vessel or canoe used in violation of this section, in the discretion of the judge or justice of the peace trying the case.

19. DISPOSITION OF FINES; DUTIES OF STATE'S ATTORNEYS. (Text omitted, see Code.)

DREDGING.

20. STEAMER OR POWER BOAT PROHIBITED. No steamer or power boat of any kind shall be used or employed in catching or taking oysters in the waters of the State with scoop, dredge or similar instrument; and the captain of any boat licensed to take or catch oysters with scoop, dredge or similar instrument, who shall have on his boat, so licensed, any engine or motor of any kind, whether attached to said boat or not, which is adapted to or can be used in the propulsion of said boat, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than three hundred dollars; and no other boat shall be used in catching oysters with scoop, dredge or similar instrument without first having been licensed as hereinafter provided.

21. DREDGING LICENSE; EXEMPTED WATERS; TRANSFER OF LICENSE. The Comptroller of the Treasury shall, upon application of any person who has been a resident of this State for twelve consecutive months next preceding his application, issue a license to such resident, and to no other person, to employ such boat in taking or catching oysters with scoop, dredge or similar instrument within the waters of the Chesapeake Bay, Potomac River and in Eastern Bay, outside of a line drawn from the southwest corner of First Kent point to north end of Poplar Island; provided, that nothing herein contained shall authorize the taking or catching of oysters with scoop, dredge or similar instrument on any oyster bar within one and one-half miles of Tolley's Point, Sandy Point, Hackett's Point, Thomas' Point, Holland's Island Bar and Three Sisters; nor within one and one-half miles of Holland's Point Bar, nor of Swan's Point Bar; nor between Poplar Island and

the mainland of Talbot County, south of a line drawn from the north point of Poplar Island to Low's Point on the mainland; nor north of a line drawn from the end of the south bar of Poplar Island to Pawpaw Cove, on Tilghman's Island; nor within one-quarter of a mile west of Poplar Island; nor within one-half of a mile of Plum Point; nor within the boundary lines of any county, unless herein otherwise specified; which license shall hold good for one season only and shall only authorize the catching of oysters between the first day of November and the fifteenth day of March, on which day the dredging season shall end; provided, however, that in the waters of the Potomac River the beginning of the dredging season shall be on the fifteenth day of October; but it shall be lawful for the owner of any such licensed boat whenever said owner shall sell and convey by bill of sale for a bona fide consideration such boat to any person who has been a resident of the State of Maryland for at least one year to transfer said license to said purchaser with said boat, which license, when transferred, shall entitle said purchaser to the same privileges of catching and taking oysters with said boat in the waters of this State that the original owner had before such assignment; provided, said seller and buyer appear before the Comptroller of the Treasury and make oath before him to all facts, matters and things required of said original owner of such boat before taking out such license, upon which said license said Comptroller shall certify in writing that the said purchaser has taken said oath, for which said certificate the said purchaser shall pay to the Comptroller the sum of five dollars for the use of the oyster fund. The provisions of this section in relation to the time of taking oysters, the time of expiration of license, and the transfer of ownership, shall apply to all vessels licensed by any county in this State to take and catch oysters with dredge, scrape or scoop.

22. UNLICENSED VESSELS. It shall not be lawful for the owner or master or any person on board of a vessel in this State to affix any crank, spool, winder or other

machinery or equipment for operating or handling scoops or dredges, or to have on board any vessel a scoop, scrape, or dredge, with intent to affix the same to said vessel for use in taking or catching oysters, without having first obtained a license to take or catch oysters with a scoop or dredge as aforesaid; and the fact of having such scoop, dredge or scrape on board of any vessel shall be prima facie evidence of an intent to use the same contrary to this section.

23. OWNER'S AND MASTER'S OATHS REQUIRED BEFORE DREDGING LICENSE IS ISSUED; PENALTIES. (Text omitted, see Code.)

24. LICENSE FEES; COMMANDERS TO INSPECT DREDGE BOATS. After granting such license, the Comptroller shall receive two dollars and eighty-five cents for every gross ton the boat shall measure, except boats of less than four tons gross measurement, when the license shall be eight dollars for each of said boats; and where any license issued by authority of any county, the clerk of the circuit court for the county shall receive for such license from the applicant one dollar and ninety cents per ton for every gross ton the boat may measure, except boats of less than five tons gross measurement, when the license shall be eight dollars for each of said boats, said measurement to be gross tonnage of custom-house measurement; but no allowance or deduction shall be made or allowed by reason of dunnaging, and the captain or masters shall always have such license on board of their boats, and shall exhibit the same wherever it shall be demanded by any duly authorized officer. It shall be the duty of the Commander of the State Fishery Force, and any officer under his command, at any time that he or they shall deem it proper, to inspect and verify the measurements of any boats and their gross tonnage, and the measurement ascertained by such officer shall be conclusive and final; and any license granted shall be corrected and amended in accordance with such measurements and the appropriate license fee hereinbefore named paid in accordance with such corrected measurement, and the right granted by any license

already issued shall be suspended until the full payment of such license fee is made. And one-third of any license fee received by the clerk of the circuit court for any county in this State shall be paid to the Comptroller of the State Treasury by the said clerk within ninety days after receiving the same, to be by the said Comptroller credited to the oyster fund; and all acts and all public general or public local laws inconsistent with the provisions of this section be and the same are hereby repealed.

25. PENALTIES FOR VIOLATION OF SECS. 20-22. (Text omitted, see Code.)

26. ARREST OF OFFENDERS; JUSTICE OF PEACE TO ISSUE WARRANT; POSSE COMITATUS; SPEEDY HEARING. (Text omitted, see Code.)

27. FIREARMS PROHIBITED ON DREDGE BOATS; EXCEPTION; PENALTIES. It shall not be lawful for the owner or master, or any person on board of or having control over any boat or vessel licensed to catch or take oysters in the waters of this State with scoop, dredge or similar instrument, to have or permit to be kept on such boat or vessel any cannon, howitzer or any piece of ordnance, or any swivel, musket, rifle or other piece or species of firearms larger than a pistol, except two-shot guns not larger than a number ten gauge, and not to use larger than number one shot. (Part of text omitted, see Code.)

28. ARRESTS. It shall be the duty of the sheriff, constable or officers of the State Fishery Force to arrest any person, and to seize any canoe, boat or vessel found violating any of the provisions of this article and bring the offender or offenders before a judge of a court having criminal jurisdiction, or a justice of the peace most convenient or accessible, to be dealt with as herein provided.

29. FORFEITURE AND SALE OF VESSEL VIOLATING LAW; DISTRIBUTION PROCEEDS OF SALE; RIGHT OF APPEAL; ASSERTION OF LIENS UPON VESSEL. (Text omitted, see Code.)

30. FORFEITURE AND SALE OF VESSEL OWNED BY NON-RESIDENTS. (Text omitted, see Code.)

CONSERVATION FUND.

(Formerly Oyster Fund.)

31. **MONEYS INCLUDED.** All moneys received or obtained from dredging licenses issued under the provisions of the preceding sections of this article, and one-third of the moneys received from the county tonging licenses, and all fines, penalties or forfeitures imposed in pursuance thereof, shall, upon the warrant of the Comptroller, be paid into the treasury and placed to the credit of a fund which shall be called the oyster (now conservation) fund, and the same shall be kept separate and distinct from other funds in the treasury, and shall only be drawn upon for the purpose of maintaining sufficient and proper police regulations for the protection of fish and oysters in Maryland waters, and in the payment of the officers and men, and keeping in repair and supplying the necessary means of sailing the boats and vessels of the State Fishery Force. And the Comptroller is hereby required to state in his annual report particularly the receipts and expenditures on account of said funds and the balance standing to the credit of the State at the time of making such report.

32. **PAINTED NUMBERS FOR DREDGING VESSELS.** The Comptroller shall have painted in black figures, on white canvas, one number corresponding to the license to catch oysters with scoop, scrape, dredge or other similar instruments; each figure shall be twenty-two inches in length and of proportionate width, and the figures at least six inches apart. And he shall give to each person taking out such license one number thereof, which shall be securely sewed upon the starboard side and in the middle of that part of the mainsail which is above the close reef; this number shall be placed in an upright position and worn at all times during the dredging season, and returned at the end of the season, and shall not be concealed or defaced, and no other number shall be exposed to view or used than that which is furnished by the Comptroller. Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, as provided in Section

17 of this article; and in any such case the boat or vessel shall be forfeited and condemned, in the discretion of the judge, in the manner as provided in Section 29. The provisions of this section shall apply to all boats licensed to take oysters with scrape or scoop by any county in this State, except that the numbers for such boats shall be painted red instead of black; and the numbers shall be delivered by the Comptroller to the clerks of the courts as they may be ordered; and at the end of the season all licenses not used shall be returned by said clerks to the Comptroller; and the said clerks shall also pay to the Comptroller one-half of all moneys received by him for such licenses, which sum shall be placed to the credit of the oyster fund.

DREDGING IN EXEMPTED WATERS.

33. VESSELS DREDGING IN EXEMPTED WATERS TO BE SEIZED; OYSTERS ON HAND PRIMA FACIE EVIDENCE OF VIOLATION. (Text omitted, see Code.)

STATE FISHERY FORCE.

34. ARMS AND AMMUNITION. The Board of Public Works (now Conservation Commission) are empowered and directed to purchase for each of the guard boats such arms and ammunition as may be necessary to make them efficient, and the officers of such boats shall be authorized to use such arms, in their discretion, for the enforcement of the provisions of this article.

35. DIVISION OF WATERS INTO DISTRICTS. For the more efficient working of the State Fishery Force, the waters of this State shall be divided into seven districts, of which the waters of Kent and Queen Anne's shall be the first; the waters of Queen Anne's and Talbot shall be the second; the waters of Talbot and Dorchester, the third; the waters of Wicomico, the fourth; the waters of Somerset, the fifth; the waters of Anne Arundel, the sixth; the waters of St. Mary's, Charles and Calvert, the seventh. Each of said

districts shall be guarded by one sailing vessel, except the second, which shall be guarded by two; and the third, which shall be guarded by four; and the sixth and seventh, which shall be guarded by two each. And it shall be the duty of the deputy commander of the first district to guard the waters of Chester River belonging to Queen Anne's County, and the waters of Kent County, including Swan Point Bar; and the duty of the first commander of the second district to guard the waters of Eastern Bay and its tributaries; and the duty of the second commander of the second district to guard the tonging reservation of Poplar Island Narrows and the waters of Talbot County as far down as Black Walnut Point; and it shall be the duty of one of the deputy commanders of the third district to guard the waters of Choptank River and its tributaries as far as Cambridge; and the duty of the second to guard the waters of Little Choptank River, in Dorchester County; and the third to guard the waters of Fishing Bay, Honga River, Tar Bay, Hooper's Straits, Holland's Straits and waters of Dorchester County up to the line dividing Dorchester County from the Counties of Wicomico and Somerset; and the fourth to guard the waters of the Great Choptank River from Cambridge up as far as oysters grow, and the remaining commanders to guard their respective districts; provided, that the Board of Public Works (now Conservation Commission) or the Commander of the Fishery Force are hereby authorized and empowered to order the deputy commander to do duty in any of the waters in the State when, in the judgment of either, the same may be necessary. (Special guard boat for Wicomico River, Somerset County, provided by Section 131 of Article 72.)

36. APPOINTMENT OF COMMANDER AND DEPUTIES. The Board of Public Works (now Conservation Commission) shall have power to appoint a suitable person to command said force, who shall be known as the Commander of the State Fishery Force, and shall command the one steamer that is regularly in commission as a part of the State Fishery Force, and to appoint a deputy commander for each sailing vessel for their respective districts from among

persons of the counties whose waters comprise the different districts, who shall be commissioned by the governor; and the said deputy commanders shall have power to appoint their subordinates and select their crews; and the terms of office of said commanders shall be for two years, unless sooner removed for incompetency or neglect of duty; and if any of the said officers shall fail in the discharge of his duty by reason of collusion with parties interested in violating any of the provisions of this article, he shall be deemed guilty of a misdemeanor, and, upon indictment and conviction in a court of competent jurisdiction, shall be fined or imprisoned, at the discretion of the court. No person shall be eligible to the office of commander of the State Fishery Force or deputy commander who is the owner of or who has any interest in any scrape or dredge boat; and it is hereby made unlawful to appoint any such person as commander or deputy commander of any boat or vessel in the State Fishery Force. *The steamers and boats belonging to the State Fishery Force are to be used only on business pertaining to its official duties or on State business.*

37. REMOVAL OF OFFICERS OR CREW. The Board of Public Works (now Conservation Commission) shall have power to remove any officer of said force for neglect of duty or incompetency; and the commander of the force shall have power to suspend any officer of the force for a period not exceeding thirty days for any neglect of duty; and any officer commanding in said force shall have power to remove any subordinate under his command and to appoint a person to fill the vacancy whenever the interest of said service may, in his judgment, require him so to do.

38. METHODS FOR REDUCING EXPENSES OF STATE FISHERY FORCE. (Text omitted, see Code.)

39. DUTIES OF DEPUTY COMMANDERS OF STEAMERS. The deputy commanders of the steamers are hereby required to keep their vessels constantly on duty when circumstances will permit; and every locality where a violation of the law is likely to occur shall be visited, not only in the sea-

son, but during the closed season, both day and night, as often as the duties of the force and condition of the vessels will allow; or whenever there is any information that a violation of this article is likely to occur, then it shall be the duty of the deputy commanders at once to proceed to the places suspected and vigilantly to guard the said places to see that no one will violate the provisions of this article; and every three months a report shall be made to the Board of Public Works (now Conservation Commission) of all official action taken under this article.

40. DUTIES OF ALL DEPUTY COMMANDERS. It shall be the duty of the deputy commanders of the said vessels to confine themselves ordinarily to their several districts, night and day, in and out of season; but it shall be their duty also to enforce any of the provisions of this article in any water adjacent to their district when a violation of the same shall come to their knowledge.

41. OATH AND BOND OF DEPUTY COMMANDERS. The commanding officer and the deputy commanders of said force shall, upon entering upon the discharge of their duties, take before one of the judges of the circuit courts the oath prescribed by the constitution; and the commanding officer of said force shall enter into bond to the State of Maryland in the sum of ten thousand dollars, and each deputy commander in the sum of three thousand dollars, to be approved by one of the said judges, for the faithful performance of their duties as prescribed in this article, the said bond or bonds to be filed with the Comptroller.

42. SALARIES, ETC. The salary of the Commander of the State Fishery Force shall be fifteen hundred dollars per annum, and he shall have power to appoint one officer, at a salary of six hundred dollars per annum; one engineer, at a salary of eight hundred dollars per annum, and one assistant engineer, at a salary of six hundred dollars per annum; one pilot, at a salary of thirty-five dollars per month during the oyster season, and thirty dollars per month during the closed season; two seamen, two firemen,

and one cook, at a salary of thirty dollars per month each; and each deputy commander of the said vessels shall have the power to appoint one officer, at a salary of five hundred dollars per annum, and three seamen, at a salary of thirty-five dollars each per month during the oyster season, and thirty dollars per month during the closed season, except the deputy commander of the second guard boat of the second district, who shall receive fifty dollars per month for the year, and he shall appoint a mate, at a salary of forty dollars per month, and two seamen, at a salary of thirty dollars each per month, each to be selected from the district in which they are respectively to serve.

43. RATIONS. The members of said force shall at all times keep themselves neatly clothed in proper uniform when on duty at their own expense. The officers and crews of the steamers and sailing vessels of the State Fishery Force shall receive one ration per day of the quality such as is allowed by law to the officers and crews of the revenue marines of the United States, and the sum of thirty cents per day for each man is hereby appropriated to carry into effect the provisions of this section; which sums are payable out of the oyster fund of the State of Maryland to and upon the approval of the Commander of the State Fishery Force; provided, however, that the provisions of this section shall only apply to the officers and crews of the State Fishery Force employed on steamers and vessels owned by the State of Maryland, and nothing herein shall apply to the officers and crews upon any boat or boats leased or hired by the State.

44. DUTIES OF OFFICERS OF FORCE. It shall be the duty of all officers of the oyster police force to diligently watch and guard and to arrest all violators of any of the provisions of this article, and the commanders of both the vessels and steamers shall keep their boats on duty at all times, both day and night, so far as possible, Sundays included, and shall cruise near to the line dividing the grounds which they are assigned to guard from the dredging grounds; and shall harbor as near said line as it is possible for them to do; *and shall remain on board their*

boats at all times, unless disabled by sickness or excused by the commander of the force; and shall keep a log of their movements; and shall once in each month forward a copy of such log to the office of the commander. Any violation of duty in these respects shall be deemed a sufficient cause for the removal of any officer, and he shall be so removed.

45. ENFORCEMENT OF FISH LAWS. The State Fishery Force shall have authority to enforce all laws of this State relating to fish, whether general or local, and the several deputy commanders of sloops and vessels shall be required to visit the tributaries and streams of their respective districts at least once in two weeks between the first day of May and the first day of October, and at any other time when notified by citizens or others of violation; and they shall arrest and bring to trial all persons found violating any section of this article and cause them to be tried and punished, as provided by law.

46. COMMANDER OF FORCE; HIS OFFICE AND CLERK. The commander of said force shall have control and direction of said force, under the supervision of the Board of Public Works (now Conservation Commission) with power to direct its movements, and shall have an office, to which place all complaints and applications for assistance shall be addressed. And it shall be his duty to have kept an itemized account of all expenses and disbursements of said force, and report same monthly, accompanied by proper receipts and vouchers. The said commander shall be permitted to have a clerk, at a salary of one thousand dollars per annum; said clerk shall remain at the office in Annapolis and issue, by power, all orders necessary for the proper maintenance and supply of said force.

CRAIGHILL CHANNEL.

52. DREDGING WITHIN 500 YARDS OF CRAIGHILL OR CUT-OFF CHANNEL PROHIBITED; PENALTIES. (Text omitted, see Code.)

PATUXENT RIVER.

53. CLOSED SEASON. It shall be unlawful to take or catch oysters, with rakes or tongs, in the waters of the Patuxent River between the first day of April and the thirtieth day of September, inclusive; provided, that nothing in this section shall prohibit any person from taking or catching oysters from his private bed or bar.

54. PENALTY. Any person violating the provisions of the preceding section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable as provided in this article.

PATUXENT—POTOMAC—CHOPTANK.

55-59. FURTHER REGULATIONS AS TO CLOSED SEASONS FOR CATCHING OYSTERS IN PATUXENT, POTOMAC AND CHOPTANK RIVERS; CERTAIN PRIVILEGES TO LESSEES OF ST. MARY'S, CHARLES AND CALVERT COUNTIES; PENALTIES. (Text omitted, see Code; also Act of 1912, Ch. 603.)

POTOMAC.

60-68. REGULATIONS FOR CATCHING OYSTERS OR FISH IN THE POTOMAC RIVER. (Text omitted, see Code. These sections probably superseded by Act of 1912, Ch. 4, being concurrent legislation between Maryland and Virginia. See pages 58-63 hereof.

GENERAL MEASURERS AND INSPECTORS OF OYSTERS.

(Amended Act 1916, Chapter 702.)

69. APPOINTMENT GENERAL INSPECTORS. The Conservation Commission of Maryland shall appoint nine suitable persons to serve as general measurers and inspectors of oysters, four of whom shall be assigned to Baltimore City and the remaining five shall be assigned to such ports or

districts elsewhere in the State as the Commission may in its discretion deem best for the good of the service. Each general measurer and inspector of oysters for the City of Baltimore shall give bond to the State of Maryland in the sum of three thousand dollars, and all other general measurers and inspectors and all the special inspectors shall give bond to said State in the sum of one thousand dollars for the faithful performance of their duties; and the general measurers and inspectors shall have the same power and authority over oysters sold in the waters adjacent to the port to which they may be assigned as hereinafter given to the general measurers and inspectors over such city, town or port for which they shall be respectively named.

70. APPOINTMENT SPECIAL INSPECTORS; DUTIES; INSPECTION TAX UPON OYSTERS CAUGHT WITHIN THE STATE. The Conservation Commission, at the commencement of, or during the oyster season in each year, as needed, shall appoint from the counties producing oysters for packing purposes in the State, not exceeding twenty special inspectors, at a salary of forty-five dollars per month, while actually employed during the oyster season, and they shall be stationed at such places as in the judgment of said Commission their services may be needed. Before assuming the duties of their offices the said special inspectors shall take an oath, to be administered by one of the members of the Commission, to diligently and faithfully discharge the duties of their said offices; each said special inspector shall inspect all oysters in the district to which he is assigned; upon the inspection of any such oysters, each special inspector shall make a certificate of the number of bushels in triplicate, one of which shall be given to the purchaser, one to the seller, and the other daily to the general measurer and inspector of the district where such inspection occurred; in order to help defray the expenses occasioned by the inspection of oysters caught within the limits of the State of Maryland as provided for by this section and by the other sections of this article, including the expenses of the State Fishery Force growing out of

the inspection by it of oysters caught within the limits of the State of Maryland as required by the various provisions of this article, an inspection charge of one cent per bushel is hereby levied upon all oysters caught within the limits of the State of Maryland, unloaded from vessels at the place in Maryland where said oysters are to be no further shipped in bulk in vessels, to be charged equally to the buyer and seller, but to be paid weekly to the Comptroller of the State Treasury, or his agent, by the buyers; the certificate given the general measurer and inspector shall be by him mailed weekly to the Comptroller or his agent, and in case the amounts of money shown to be due be not paid in one week thereafter to the Comptroller or his agent, which is hereby required to be done, the properties of the parties so indebted may be levied on and sold by the said Comptroller or his agent, as in cases of taxes in default, without other process of law; the said inspection charge of one cent per bushel hereby levied is also made a charge on oysters caught within the limits of the State of Maryland and sold by commission merchants and others selling by less than the cargo; and also an inspection charge of three cents per barrel containing not more than three bushels of oysters caught within the limits of the State of Maryland; on oysters caught within the limits of the State of Maryland contained in bags an inspection charge of two cents per bag containing not more than two bushels; and all transportation companies carrying oysters in the shell caught within the limits of the State of Maryland, consigned to Baltimore, shall furnish to the oyster inspector or collector of oyster tax, a copy of their manifest showing the number of bushels on board on arrival of steamer and to whom consigned, and the special inspectors are charged with the duty of seeing that the proper returns are made for the purpose of this section by such commission merchants or retailer, and in performance of their duty the said special inspectors are authorized and directed to visit the places where oysters caught within the limits of the State of Maryland in less than cargo lots, are sold, and get from such sellers a statement under oath as to the number of bushels sold from time

to time and return to the general measurers and inspectors a certificate thereof to be forwarded to the Comptroller as required in the case of certificates for cargoes, and the payments of the amounts so found to be due shall be similarly enforced. All oysters found within the State of Maryland shall be presumed to have been caught within the limits of the State of Maryland and the burden of proof shall be upon any one claiming to the contrary to establish his said claim by clear and satisfactory evidence. All such general measurers and inspectors or special inspectors may be removed at any time by the Conservation Commission for neglect or malfeasance in office. The said Commission shall furnish to each of the said special inspectors certificates in book form, supplied with carbon paper, so that each of the said triplicate certificates shall be exactly the same; the form of the certificates shall be as follows:

.....19....
 I hereby certify, that I have this day inspected for
 Captain....., schooner.....,
 a cargo of oysters caught within the limits of the State
 of Maryland, sold to....., and found the
 same to contain.....bushels of merchantable oysters
 and.....bushels of unmerchantable oysters.
 . (Signed).....

71. INSPECTION OF OYSTERS CAUGHT WITHOUT THE STATE. (Text omitted, see Code. Provisions similar to preceding Section 70, except that rate of tax is fixed at one-third cent per bushel, and tax is applied to pay cost of inspection only.)

72. INSPECTION DISTRICTS; SWORN STATEMENTS REQUIRED OF OYSTER PACKERS. At the beginning of each oyster season the Conservation Commission shall divide the inspection points in Baltimore City into four inspection districts and organize the board of inspectors provided for the City of Baltimore in Section 69 of this article, and all general measurers and inspectors provided in said Section 69 shall be assigned to and remain during the whole

season at the specific points to which they are assigned, subject, however, to the discretion of the Commission; and the Commission shall have general control and supervision over all general measurers and inspectors and special inspectors; and the said general measurers and inspectors and special inspectors are hereby required to report to the Commission whenever required, and if they shall refuse or neglect to make such report they shall be fined for each said failure or refusal the sum of ten dollars, to be deducted from their salaries, and the said Commission shall have the power to transfer any general measurer and inspector or any special inspector from any house or district whenever it may deem it best for the good of the service to enforce the proper inspection, the cull law and the collection of the tax for the oyster fund. In addition to the certificates required by Sections 70 and 71 hereof, *every packer or commission merchant buying oysters in the State of Maryland shall furnish to the special inspector of his district a weekly report under oath showing the number of bushels, bags or barrels of oysters purchased by him during the preceding week.* Every packer or canner of oysters, and every person selling oysters on commission, when taking out a license at the beginning of the oyster season as required by Sections 79 and 81 of Article 72, shall make oath that he will furnish such weekly reports showing correct number of oysters purchased by him during the preceding week. The said oaths may be made before any general measurer and inspector or special measurer, each of whom is hereby authorized and directed to administer such oaths without charge, or before any notary public or justice of the peace.

73. DUTIES AND POWERS OF GENERAL MEASURERS AND INSPECTORS. It shall be the duty of said general measurers and inspectors of oysters to see that the law in reference to the inspection of oysters be strictly complied with by all subordinates, and the general measurers and inspectors of oysters shall have authority at all times to enter all places and all vessels where oysters are being measured and inspected in the shell, and to inspect all the measures or

instruments used in measuring oysters, and to see that the inspection laws are properly enforced, and if the measures are incorrect, the said general measurer and inspector of oysters shall take possession of the incorrect measures; and the inspectors of oysters are authorized, directed and required to arrest any person or persons violating any of the provisions of this article. It shall be the further duty of the general measurers and inspectors of oysters to return under oath to the Comptroller of the State annually a complete statement of the amount of oysters inspected or measured in the city, town or port for which they shall be respectively appointed.

74. LICENSED MEASURERS. No person, after April 8, 1908, shall act as a measurer of oysters in Baltimore City, except the general measurer and inspector of oysters, and such persons who shall be duly licensed measurers for said city. Any person, after April 8, 1908, who shall desire to engage in the business of oyster measurer in Baltimore City shall, on or before the first day of September in each year, before he undertakes to act as such, first apply to the clerk of the superior court of Baltimore City for a license so to do, which license shall be issued upon application, and the payment to said clerk of a license fee of five dollars and fifty cents, which license shall expire on the first day of May of the following year. Five dollars of said fee shall be by said clerk accounted for and paid over to the State, to be placed to the credit of the oyster fund, and the remaining fifty cents shall be applied by said clerk to his own use and fee for issuing said license; said oyster measurers shall also take the usual oath of office, and give bond to the State of Maryland in the penalty of one hundred dollars each for the faithful performance of their duties.

75. SALARIES OF OYSTER INSPECTORS; PENALTIES FOR VIOLATIONS; REPORTS. The general measurers and inspectors for Baltimore City shall receive a salary of one hundred dollars per month each and all other general measurers and inspectors provided for by Section 69 shall receive a salary of fifty dollars per month each, the said salaries to be paid only during the oyster season and for

those months in which said general measurers and inspectors are actually engaged in the performance of the duties of their respective offices. Any person who shall violate any of the provisions of Sections 69, 70, 72 to 75, inclusive, of this article, or who shall interfere with the general measurers or inspectors of oysters or the special inspectors in the discharge of their duties, shall be deemed guilty of a misdemeanor, and, upon conviction before any justice of the peace or court of competent jurisdiction, shall pay a fine of fifty dollars and costs, one-half of said fine to the informer, unless he be an officer under this article, and the other half to the Comptroller, to the credit of the oyster fund. In default of payment of fine and costs, the party convicted shall be confined in jail for not more than twenty days. Each and every inspector shall report monthly to the Conservation Commission, or oftener, if required by them, concerning all the oysters which may be disposed of within his inspection district, and such reports shall be a full and complete account of all sales of oysters that have been made within such districts. The Commission may at any time for good cause shown suspend or remove any inspector from office.

76. MEASURING OYSTERS. All oysters sold in this State shall be measured either in a one-half bushel tub, a bushel tub, a bushel and one-half tub, or a three-bushel tub, and no instruments shall be used for measuring oysters in the shell but an iron circular tub with straight sides and straight solid bottom, with holes in bottom for draining, such holes to be no larger, however, than one inch in diameter. A half-bushel tub shall have the following dimensions, all measurements to be from inside to inside: Fifteen inches across the top, thirteen inches across the bottom, and seventeen inches diagonally from the inside chime to the top; a bushel tub shall measure sixteen and one-half inches across at the bottom from inside to inside, twenty-one inches diagonally from the inside chime to the top, and eighteen inches across from inside to inside from the top; a bushel and one-half tub shall measure nineteen inches across the top from inside to inside, eighteen inches

across the bottom from inside to inside, and twenty-four inches diagonally from the inside chime to the top; a three-bushel tub shall measure twenty-four inches across the top from inside to inside, twenty-two inches from inside to inside at the bottom, and twenty-nine twenty-six-hundredths inches diagonally from the inside chime to the top; and all oysters measured in the shell, as required by law, shall be even measure to the top of the tub only. (Penalties omitted; see Code.) The measurers or special inspectors are hereby forbidden to handle or interfere with the oysters in or upon the tub or measure for the purpose of pressing or pushing down same under penalty of removal from office and a fine of ten dollars for each offense.

PACKING OYSTERS.

79. **PACKER'S LICENSE.** It shall be unlawful for any person, firm or corporation to engage in the business of packing or canning oysters without first taking out a license to engage in such business by application to the clerk of the circuit court of the county in which the place of business of such applicant may be situated, or to the clerk of the Court of Common Pleas, if the place of business of such applicant shall be in Baltimore City; and such applicant, at the time such license is issued to him by the said clerk, shall pay the said clerk the sum of twenty-five dollars for such license, and said license shall have effect from the first day of September, in the year in which it may have been obtained, to the twenty-fifth day of April, inclusive, next succeeding; and all said moneys received for said license shall be paid over and accounted for by the several clerks of courts to the Comptroller of the State, to be placed to the credit of the oyster (now conservation) fund, as provided by Section 31 of this article. (Sworn weekly statements required of oyster packers and commission merchants by Act 1916, Ch. 702; see above Section 72, paragraph 34, hereof.)

80. **PENALTIES.** If any person, firm or corporation shall engage, or attempt to engage, in the business of packing or canning oysters without first obtaining a license, as

provided in the foregoing section, he shall be deemed guilty of a misdemeanor, and shall be fined not less than two hundred and fifty dollars nor more than one thousand dollars for each offense.

81. COMMISSION MERCHANT'S LICENSE; PENALTIES. Every person or member of a firm, or member of a corporation, engaged in the business of selling oysters on commission shall, on or before the first day of September in each year, take out a license to engage in such business by application to the clerk of the circuit court for the county in which the place of business of such applicant may be situated, or to the clerk of the Court of Common Pleas, if the place of business of such applicant shall be in Baltimore City; and such applicant, at the time of issuing such license, shall pay the sum of twenty-five dollars; and all said money received for said license shall be paid over and accounted for by the said several clerks of courts to the Comptroller of the State, to be placed to the credit of the oyster (now conservation) fund, as provided by Section 31; and if any person, member of a firm or member of a corporation, shall engage or attempt to engage in the business of selling oysters on commission without first obtaining a license, as provided in this section, he shall be deemed guilty of a misdemeanor, and shall be fined not less than one hundred dollars nor more than one thousand dollars for each offense. (See page 34.)

82. OYSTER GALLON CUP. All shucked oysters opened at any oyster house in this State, or any other place where oysters are opened or sold as a business, or delivered to proprietors of any such oyster house or other place, shall be shucked by the gallon and not by the can or vessel of any other name and designation; and it shall not be lawful for the proprietor of any such place to contract with any person to shuck or open oysters at any such house or for the proprietor thereof for the purpose of shipping the same to the customers of said proprietor otherwise than by the gallon. The said oyster house, or the proprietors thereof, may in consideration of the quantity of water contained in shucked oysters, use a cup, which is hereby de-

clared and determined to be an oyster gallon cup, which shall contain nine pints and no more, and no other than this standard measure or said oyster gallon cup shall be used in said houses or by the proprietors thereof in measuring any oysters received by them from the shuckers. Said oyster gallon cup shall be inspected and stamped by the same officer in the City of Baltimore or in any of the counties of the State, as is now required by law to inspect and stamp measures. (Penalties omitted, see Code.)

83. LICENSE BLANKS; WORCESTER COUNTY EXEMPT. It shall be the duty of the Comptroller to furnish the clerks of the several courts of the State with forms of applications and license and of the reports or returns required by the preceding sections; and it shall be the further duty of the Comptroller to furnish all other blanks required under this article. Nothing in this article shall be construed to apply to Worcester County as to the taking or catching of oysters in the waters of the said county.

PART III—OYSTER CULTURE.

(Code, Article 72.)

85. NATURAL BARS EXCLUDED. Any resident of Maryland shall have the right to plant and cultivate oysters in the waters of this State; such right shall be exercised in the manner prescribed in the following sections of this act, and shall be subject to the regulations, provisions and limitations hereinafter set forth, but no corporation or joint stock company shall be permitted to lease or take up, or to acquire by assignment, or otherwise, any lands of the State for oyster planting or cultivation. All natural beds or bars shall be excluded from the operation of this Act, and no person shall be permitted to plant or cultivate oysters thereupon, or in any way to appropriate the same to his own use. The term "natural beds or bars" wherever used in this act shall hereafter be construed to mean and include all oyster beds and bars under any of the waters of this State whereon the natural growth of oysters is of such abundance that the public have successfully resorted to such beds or bars for a livelihood, whether continuously or at intervals, during any oyster season within five years prior to the time of the filing of the application for a lease of the area in question, or if no application has been made for a lease of the area in question, then within five years prior to the making of the resurvey under Section 96-A, or the filing of a petition under Section 96-B of this act, provided that the actual condition of the area in question at any time within said respective periods of five years or up to the date of hearing shall be taken into consideration in determining whether or not said area is a natural bed or bar, as above defined.

86. BOARD OF SHELL FISH COMMISSIONERS OF MARYLAND CREATED AND DUTIES DEFINED. (Text omitted; Board superseded by Conservation Commission of Maryland, which takes over all "functions, discretion, powers and duties" of the former board. *In sections following, the*

name "Conservation Commission" should be substituted for "Board of Shell Fish Commissioners.")

87. RECORDS. The Commissioners shall keep, at their office in the City of Baltimore, books of record, in which shall be recorded all leases, assignments and other conveyances of land to be used for the planting or cultivation of oysters in accordance with this act. A set of clear and simple forms, for all subsequent conveyances of any kind, shall be prepared by the Board, with the advice of the Attorney-General, and no title shall be vested in any lessee or transferee of any interest or estate acquired under this act until the conveyance or conveyances evidencing such leases or transfers shall have been recorded in the office of the Board of Shell Fish Commissioners.

88. SURVEYS. The Board of Shell Fish Commissioners shall, as soon as practicable, after the passage of this act, cause to be made a true and accurate survey of the natural oyster beds, bars and rocks of this State, said survey to be made with reference to fixed and permanent objects on the shore, giving courses and distances, to be fully described and set out in a written report of said survey, as hereinafter required. A true and accurate delineation of the same shall be made on copies of published maps and charts of the United States Coast and Geodetic Survey, which said copies shall be filed in the office of the said Commissioners in the City of Baltimore; and the said Commissioners shall further cause to be delineated upon copies of the published maps and charts of the United States Coast and Geodetic Survey, of the largest scale one copy for each of the counties of this State in the waters of which there are natural oyster beds, bars and rocks, all natural beds, bars and rocks lying within the waters of such county, which maps shall be filed in the offices of the clerks of the circuit courts for the respective counties wherein the grounds so designated may lie. The said survey shall be made by the hydrographic engineer employed by said Board, as provided in Section 86 of this act, acting under the direction and control of the said Commissioners. The said natural beds, or bars, shall be marked by buoys, which shall be known as State buoys.

92. NEUTRAL ZONES. The said Board, in defining the natural beds and bars, shall exercise its judgment liberally in favor of the natural beds and bars, and allow a reasonable margin of the barren bottoms, rather than encroach on a natural bed or bar. The natural beds or bars shall be bounded by straight lines, even though some portions of barren bottoms may thus be necessarily included within such lines. All natural beds or bars shall be surrounded by neutral zones 200 yards wide in the Chesapeake Bay and Tangier Sound, and 50 yards wide elsewhere, to be located contiguous to but entirely outside of the natural beds and bars, which neutral zones shall be excluded from the operation of this act, and no person shall be permitted to plant or cultivate oysters thereon or in any way to appropriate the same to his own use; provided that nothing herein contained shall affect in any manner leases actually issued and in force prior to the approval of this act within such neutral zones.

96-A. RESURVEYS. The Board of Shell Fish Commissioners may at any time hereafter re-survey and re-examine any portion of the areas of the Chesapeake Bay and its tributaries in the State of Maryland for the purpose of correcting surveys theretofore made by them, and if upon such re-survey the Board shall find that natural beds or bars have been incorrectly located, they shall prepare a revised or amended chart showing the natural bed or bar thus re-surveyed, and shall cause to be marked or defined as accurately as possible the correct limits and boundaries of such natural bed or bar, and said amended chart shall be filed in the office of the Board in the City of Baltimore within ninety days thereafter, and copies thereof shall be filed with the clerk of the circuit court of the county in which or nearest to which the natural bed or bar thus re-surveyed is located; provided that such re-survey shall in no manner affect leases of a part or all of the area re-surveyed, actually issued and in force at the time of such re-survey, unless the respective lessees thereof shall voluntarily surrender their leases as hereinafter provided, or shall forfeit their leases by non-payment of

rentals as provided in Section 100, or unless the rights, interests and properties of the lessees under said leases shall be acquired by the State by condemnation proceedings instituted not later than January 1st, 1915, as provided in Section 96-C. The said Board is authorized to accept voluntary surrender of leases of any lots within the area thus re-surveyed and found to be natural beds or bars, and to refund to such lessee the rentals and charges theretofore paid to said Board for the lot or lots surrendered.

96-B. COURT REVIEW OF DISPUTED AREAS UPON PETITION FILED PRIOR TO JANUARY 1, 1915. (Text omitted, see Code.)

96-C. CONDEMNATION OF LEASES ON NATURAL BARS. The rights and interests of lessees under leases outstanding and in force at the time of the passage of this act, covering areas within the limits of natural beds or bars which may be established by the re-surveys provided for by Section 96-A, or by proceedings taken under Section 96-B, and the oysters belonging to such lessees, located on such areas, shall be condemned by the State of Maryland for the use of the public. The proceedings for the acquisition by the State of the rights, interests and properties of such lessees shall be that set forth in Chapter 117 of the Acts of 1912; and it shall be the duty of the State's Attorney of the county in which or nearest to which the areas in question are located to institute forthwith in the circuit court for such county condemnation proceedings in behalf of the State of Maryland against the said lessees or those claiming under them, and to conduct said proceedings to a finality in accordance with the provisions of said statute, and the respective circuit court for the counties in which or nearest to which the areas so condemned are located are hereby vested with full power to hear and decide such cases, with right of appeal to the parties as provided by said statute. But no such right, interest or property shall be divested until the compensation awarded in such condemnation proceedings to the lessees or those claiming under them has first been paid to them by the State of Maryland.

98. CRAB SCRAPING AREAS. The Board of Shell Fish Commissioners shall cause an accurate survey of and delineation upon the maps and charts aforesaid of all bottoms of the tributaries of the Chesapeake Bay where grass grows and it is profitable to scrape for soft-shell or shedder crabs, and shall have such bottoms properly designated by permanent objects on the shore, as provided hereinbefore for natural oyster beds, bars and rocks, which said crabbing sections shall be exempt from leasing for oyster culture.

100. LEASES; TERMS; ACREAGE. After the survey or re-survey provided for herein shall have been completed, it shall be the duty of the Board of Shell Fish Commissioners to lease, in the name of the State of Maryland, tracts or parcels of land beneath the waters of this State, whether within the limits of the counties or elsewhere, in the area to be opened for oyster culture, according to the provisions of this act; provided that no tract so leased, if situated within the territorial limits of any county in this State, shall contain less than one acre of land, and if situated in any other place, no tract so leased shall contain less than five acres. It shall be the duty of said Board to require that the tracts so leased shall be as nearly rectangular as is convenient. It shall be the duty of the said Board to demand from each lessee payment of the rent each year in advance. No person shall be permitted, by lease, assignment or in any other manner, to acquire a greater amount of land than thirty acres situated within the territorial limits of any of the counties, or five hundred acres in any other place; provided, however, that an individual may acquire a tract not exceeding one hundred acres of land beneath the waters of Tangier Sound. Leases of such lands shall be made only to residents of Maryland. The term of such leases shall be twenty years, and the annual rent reserved to the State shall be one dollar per acre for each of the first two years of said term of twenty years; two dollars per acre for the third year; three dollars per acre for the fourth year; four dollars per acre for the fifth year, and five dollars per acre during the

remainder of the term. On and after April 1, 1913, the Board of Shell Fish Commissioners may lease at a rental price which, in their judgment, is a proper one and commensurate with the value of the land so leased, any land subject to the provisions of this act which has not been applied for or leased up to that time; provided, however, that no land shall be leased at a less price than twenty-five cents (25c.) per acre, and the land so leased under this provision shall be subject to all other provisions of this act. If any part of the rent reserved under such leases shall remain unpaid for more than sixty days after the same becomes due, such lease or leases may at the option of said Board be declared void, and in that event the land shall revert to the State and may be leased again in accordance with the provisions of this act. The said Board may, at the request of any lessee, if it shall appear equitable so to do, upon cause shown in writing, cancel his lease as to the whole or a part of the lands leased. The Board of Shell Fish Commissioners is hereby directed to submit a plan to the next session of the General Assembly of Maryland providing for the assessment of rentals for leased bottoms in accordance with the value of these bottoms for the cultivation of oysters.

101-2. WHEN LEASING TO BEGIN. PRIORITY TO RIPARIAN LAND OWNER, THEN TO OYSTERMEN, THEN TO PUBLIC. (Text omitted, see Code.)

103-104. APPLICATION FORMS PRESCRIBED. LEASES TO BE MADE IN ORDER APPLICATION RECEIVED. (Text omitted, see Code.)

105. APPLICATION FEES; ADVERTISEMENTS; PROTESTS; TRIALS. Any person who may desire to plant and cultivate oysters in the area hereinbefore designated shall file with the Board of Shell Fish Commissioners an application substantially in the form prescribed in Section 103 of this act. The applicant, who must be a resident of the State of Maryland, shall indicate plainly the location of the land he desires to lease. The application shall be sworn to before a justice of the peace of this State. A fee of five

dollars shall be paid by the applicant to the Board of Shell Fish Commissioners at the time of filing the application, which fee shall be returned to the applicant if his application shall be for any reason declined. All applications for leases pending at the time of the passage of this act, but not then actually issued and in force, and all applications hereafter made shall be advertised by said Board once a week for four successive weeks in a newspaper published in the county in which or nearest to which the area applied for is located, said advertisement to describe the location of the area applied for and to give the name and residence of the applicant, and the Board shall have no power to issue any lease without such advertisement. Any three or more residents of this State may within the period of thirty days after the last insertion of such advertisement file a protest in writing against such application in the circuit court for the county in which or nearest to which the area applied for is located, and the clerk of said court shall thereupon docket a suit at law in which the protestants are to be the plaintiffs and the Board of Shell Fish Commissioners the defendant, and the said case shall thereafter proceed as set forth in Section 96-B, with the right of appeal as provided in said section; provided, however, that no such protest may be filed if it shall appear that the character of the area in question has been adjudicated in proceedings theretofore taken under the provisions of Section 96-B, or that proceedings under said section are then pending. If no protest is filed within the time herein provided, all leases issued after the passage of this act, in accordance with its provisions, shall be binding on the respective parties thereto and conclusive as to the nature of the area leased, notwithstanding the provisions of Sections 96-A, 96-B and 96-C of this act.

106. ISSUANCE OF LEASE. Immediately after the termination of the respective periods prescribed for the filing of protests or appeals as above provided, or immediately after the final decision upon any protests or appeals that the area in question may lawfully be leased, it shall be the duty of the said Board to notify the applicant by letter

mailed to his last known post-office address that said Board is ready to issue the lease applied for, and upon the payment by the applicant of a further fee of two dollars and a half, in addition to the fee of five dollars which is to accompany his application, and upon execution of the lease, said Board shall cause to be entered in a book or books to be known as "The Register of Titles to Oyster Land," the name of the applicant, with a concise but clear description of the land applied for. If the applicant fails to accept the lease and pay all fees herein provided within sixty days after the mailing of the notice herein provided, the application in question shall become null and void, and all payments theretofore made to said Board by the applicant shall be forfeited; provided, however, that the said Board may for good cause shown extend the time for acceptance of leases for an additional period of sixty days. The payment of the proper fees due for the application and record in the register required by this section to be kept shall constitute between the State and the applicant the relation of landlord and tenant for the term of twenty years from the record of the lands so applied for as aforesaid, at the annual rentals provided in Section 100 of this act.

107. RIGHTS OF LESSEE. The relation of landowner and tenant stated in Section 106 shall have all the incidents attaching to that relation as the same exists under the laws of Maryland, excepting only the following particulars:

First: Land leased under this act shall be used only for the purpose of planting and cultivating oysters;

Second: Residents of this State shall have the right to crab or fish upon all leased areas, provided they do not remove or destroy oysters thereon;

Third: No right shall exist to redeem or purchase any land of the State so leased;

Fourth: Any other modification caused by the provisions of this act.

108. MARKING LEASED LOT. The Commissioners shall at once notify the lessee of the record in the register required by Section 106, and the lessee shall, as soon there-

after as practicable, not exceeding thirty days from the receipt of said notice, cause the ground designated as leased to him to be plainly marked out by stakes, buoys or monuments, under the supervision of the Commissioners. At least four of such stakes, buoys or monuments shall have the initials of the lessee plainly marked upon them, and such stakes, buoys or monuments shall be at all times during the existence of said lease continued by the said lessee or his legal representative.

109. **AREAS EXCLUDED.** This act is not intended to apply to any lands owned by private persons, the bounds of which extend below low water into or beneath the waters of this State. This act shall not be so construed as to apply to any creek, cove or inlet, less than one hundred yards in width at its mouth at low tide.

110. **LOTS TAKEN UP BEFORE PASSAGE OF ACT OF 1906 TO BE EXCHANGED FOR LEASES THEREUNDER.** (Text omitted, see Code.)

111. **LESSEE'S TITLE TO OYSTERS.** The lessee of any land leased for the purpose of planting and cultivating oysters shall have exclusive ownership of and title to all oysters planted by him or existing on the land leased.

112. **ASSIGNMENT OF LEASES; RESTRICTIONS.** No assignment or transfer of any interest acquired by this act shall be valid for any purpose if made to a non-resident of this State. If any such assignment is attempted to be made, all interest of the grantor, or assignor, shall revert to the State as if no lease had ever been made. If any assignment of any interest created by this act is attempted to be made to any corporation, or joint stock company, all the interest of the grantor or assignor shall revert to the State as if no lease had ever been made. If any assignment or any interest created by this act is attempted to be made to any person in such a way that the assignee shall become the holder of more than thirty acres, one hundred acres, or five hundred acres, as the case may be, according to the location of land leased under this act, all interest of the grantor or assignor, in case of such an

assignment, shall revert to the State, as if no lease had been made.

113. SEED OYSTERS. It shall be lawful for any tonger between the 15th day of April and the 15th day of May in any year to take oysters from such natural beds or bars in the tonging districts of the Chesapeake Bay and its tributaries as the Commission may mark out for that purpose, and under such regulations as said Commission may from time to time prescribe; provided, however, that said oysters may be sold only for the purpose now permitted under existing laws of Maryland, during the season of the year above mentioned, and in addition thereto, to persons engaged in the industry of planting and cultivating oysters within the area designated by this act, the same to be delivered only upon lands which may have been leased under the provisions of this act for such purposes of planting or cultivating.

114. LESSEE MAY DREDGE FOR OYSTERS; DREDGER'S LICENSE REQUIRED; RESTRICTIONS. No person shall catch or take oysters with dredge or similar instrument on any land held by lease under the provisions of this act without first having obtained a license therefor in the same manner as is now required by law for dredging oysters on the natural bars in the waters of the Chesapeake Bay. No steamer or power boat of any kind shall be used or employed in catching or taking oysters in the waters of the State with scoop, scrape, dredge or similar instrument; and the captain of any boat engaged in taking oysters by any of the above mentioned methods, who shall have on his boat any engine or motor of any kind, whether attached to said boat or not, which is adapted to or can be used in propulsion of said boat, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars, nor more than two hundred dollars. Oysters may be taken in the Chesapeake Bay and its tributaries and all other waters of the State on leased bottoms by the holders of such leased bottoms by dredging, scraping or tonging with boats propelled by oars or sails only, at such time as may be desired by the holders of such

land, between sunrise and sunset of any week day, between the fifteenth day of September in any year and the fifteenth day of June in the following year. It is, however, specially provided that it shall be unlawful for any holder of land under this act to take up oysters from the land so held by him during the closed season for the dredging of oysters from the natural bars of this State, until after he has given a written notice of his intention so to do, to the official in charge of the nearest police boat, in which notice he shall name the week day or week days, and the hours between sunrise and sunset of such week or week days in such closed season, during which he may intend to take oysters from such land, and it shall be unlawful for the holder of any such land to take up oysters from the land held by him at any other times than those named in such notice. (Penalties omitted, see Code.)

114-A. DREDGING BY LESSEES UPON NATURAL BARS OR NEUTRAL ZONES PROHIBITED; PENALTIES. (Text omitted, see Code.)

115. INTERFERENCE WITH LESSEE'S OYSTERS OR BUOYS; PENALTIES. Any person who shall wilfully and without authority take or remove oysters from any land leased under the provisions of this act, or shall wilfully injure or interfere with the oysters on such land in any manner, or injure the oysters thereupon situated, or remove, alter or interfere with the stakes, buoys or monuments marking the same, shall, upon conviction thereof, for the first offense, be sentenced to imprisonment in jail or in the penitentiary, in the discretion of the court, for not less than three months and not more than two years, and for the second, or any subsequent offense, be sentenced to imprisonment in the penitentiary for not less than two years and not more than five years.

116. TRESPASSERS CATCHING OYSTERS ON LEASED AREAS; PENALTIES. Any person who shall work a dredge, scrape or pair of tongs, or any other implement for the taking of oysters upon any land leased under the provisions of this act without the consent of the lessee or owner, or who

shall, while upon or sailing over any such ground or bed, cast, haul or have overboard any such dredge, scrape or pair of tongs, or other implement for the taking of oysters, under any pretense or for any purpose whatever, without the consent of such lessee or owner, upon conviction thereof, shall, for the first offense, be fined not less than fifty dollars nor more than two hundred and fifty dollars, in the discretion of the court, be imprisoned in jail or in the penitentiary for not less than three months nor more than one year, or shall be both fined and imprisoned, and for the second, or any subsequent offense, shall be sentenced to imprisonment in the penitentiary for not less than two years nor more than five years.

117. INTERFERENCE WITH STATE BUOYS PROHIBITED. Any person who shall make his boat fast to a State buoy, or remove the same, or in any manner interfere therewith, the same shall, in the discretion of the court, upon conviction thereof, be sentenced to the penitentiary for a term of not less than one year nor more than two years.

117-A. APPROPRIATION OF BARREN BOTTOMS NOT LEASED PROHIBITED; EXCEPTION. It shall be unlawful for any person other than a lessee under this act, or for any lessee under this act, while he shall be in default in payment of rent, to appropriate to himself for any purpose any of the barren bottoms under the waters of this State, which are, by provisions of this act, subject to lease, or to use such barren bottoms in any way for the purpose of bedding, planting or cultivating oysters. (Penalties omitted, see Code.) Provided, however, that this section shall not apply to the temporary deposit of oysters at the owner's risk upon any of the barren bottoms of this State not leased, if such oysters are removed by the owner within three months from the time of such deposit.

PART IV—RESERVED AREAS.

(Code, Article 72.)

132. CERTAIN DEPLETED NATURAL BARS MAY BE RESERVED FOR CULTIVATION. The Commander of the State Fishery Force is hereby authorized to select and reserve for oyster conservation, as provided in this sub-title, any portion or portions of the natural beds, bars and rocks located along the western shore of the Chesapeake Bay between the lower end of Holland Point Bar Rock and Pungy Harbor Rock. The commander shall give notice of said reservation by advertisement to be inserted once a week for three successive weeks in a newspaper published in Baltimore City, Anne Arundel County and Calvert County, respectively, which advertisement shall describe the area reserved and give the date on which the reservation takes effect, and shall warn all persons not to catch or disturb oysters upon such reserved area until further notice from the commander reopening same for public use. Whenever in the discretion of the commander such reserved area shall have been replenished, but in no event later than three years after the beginning of such reservation, he shall fix a date for reopening same to the public, and shall give notice thereof by proper advertisement inserted as above provided. Any person who shall catch or disturb any oysters upon such reserved areas between the date such reservation begins and the date fixed by the commander for reopening same, shall be guilty of a misdemeanor, and upon conviction thereof shall be imprisoned in jail or in the House of Correction for not less than three months, nor more than one year, in the discretion of the court.

133. REMOVAL OF SEED OYSTERS; CERTIFICATE. Any resident of this State holding a dredger's or scraper's license for the past season may make application to the Commander of the State Fishery Force at his office in Annapolis for a permit to catch and remove seed oysters, at any time between March 15th and April 30th, or between October 1st and October 25th, in each year, from any bottoms (not

leased) of the Chesapeake Bay, north of a straight line drawn from Bodkin Point on the Western Shore to the lower or southernmost end of Hodges Bar Rock, not less than one mile and a half, above Swann Point, on the Eastern Shore. The commander may issue such permit, and shall describe therein the particular portion of said bottoms from which seed oysters are to be taken, and shall fix the manner and the time for catching same. The person holding such permit shall transport all seed oysters caught by him directly to such reserved areas within the limits prescribed in Section 132, as may be designated by the commander, and there transplant same in the presence of a deputy commander of the State Fishery Force, whose duty it shall be to see that such seed oysters are transplanted in a proper manner and upon the designated areas. The deputy commander shall thereupon issue a certificate to the person so transplanting seed oysters, which shall state as accurately as possible the number of bushels transplanted, and shall be serially numbered and substantially in the form following:

.....19....
 I hereby certify that Captain.....,
 of the vessel,....., has this day trans-
 planted upon reserved area located at.....,
 a cargo of seed oysters estimated to contain.....bushels.

 Deputy Commander.

A duplicate of each certificate so issued shall be forwarded by the deputy commander to the Comptroller of the State Treasury. The expense of catching, removing and transplanting such seed oysters as herein authorized shall be borne by the person to whom such permit and certificate shall have been issued, provided, however, that such expense, not exceeding five cents per bushel, shall be reimbursed to him, or his assigns, by the Comptroller, upon presentation and surrender of his certificate, out of the "Oyster Conservation (now Conservation) Fund," provided for by Section 135. The commander may act for any deputy commander in the performance of the duties above mentioned.

134. CONDITIONS AND RESTRICTIONS; SPECIAL TAX; PENALTIES. From and after the date designated by the commander for reopening of such reserved areas, until the closing of the dredging season then current, oysters shall be caught upon such reserved areas only by dredgers, scrapers or tongers of the State holding licenses for the current season, in the manner now prescribed by law, and subject also to the following special conditions and restrictions, viz:

(1.) Oysters caught upon reserved areas shall be subject to a special charge or tax of five cents per bushel, which shall be collected by the buyers at the place where said oysters are to be no further shipped in bulk in vessels, and shall be paid weekly to the Comptroller or his agent by the buyers, such tax to be in addition to any other charge on oysters now or hereafter imposed by law, and payment thereof to be enforced in the same manner as the inspection tax provided for by Section 70 of said Article 72. The deputy commander shall sign in triplicate certificates serially numbered and substantially in the form following:

.....19....
 I hereby certify that the cargo of oysters loaded by
 Captain....., of the vessel
, was taken from reserved
 areas and is subject to a tax of five cents per bushel, which
 is to be paid to the Comptroller or his agent.

.....
 Deputy Commander.

The copies of each certificate so issued shall be given the captain of the vessel in which oysters are to be transported from such reserved areas, one of which shall be retained and the other shall be delivered to the ultimate buyer of said oysters as hereinafter stated. The third copy shall be forwarded by the deputy commander to the office of the Comptroller.

(2.) Oysters caught upon reserved areas shall not be removed therefrom until the deputy commander in charge thereof shall have issued said certificates, as above provided.

(3.) Said oysters shall be inspected and measured at the place of sale where the oysters are to be no further shipped in bulk in vessels, and before unloading the captain of each vessel shall exhibit and deliver to the buyer one of the certificates furnished by the deputy commander, showing that such cargo of oysters is subject to the tax of five cents per bushel. Such oysters shall be unloaded only in the presence of an inspector, whose duty it shall be to inspect, measure and report upon such oysters to the Comptroller, in the same manner as upon other oysters sold in this State.

(4.) Oysters caught upon reserved areas shall not be shipped out of the State of Maryland until the charge or tax of five cents per bushel shall have been paid.

(5.) Oysters caught upon reserved areas shall be culled in accordance with the existing law relating to culling, and the undersized oysters shall be returned to the natural bars from which the same were taken.

(6.) Before any oysters are caught upon such reserved areas, the captain of each vessel shall take out a special license from the Comptroller, at a cost of \$1.00 per vessel, such license to be issued only after the captain of such vessel has taken an oath before the Comptroller, or his agent, that he will not remove oysters caught upon such reserved areas until the deputy commander's certificate in the form above provided, has been issued to him, that he will faithfully comply with all provisions of law regulating the catching of oysters upon reserved areas, and that he will pay, or cause to be paid, the tax of five cents per bushel upon all such oysters so caught by him.

Catching oysters upon such reserved areas shall continue subject to the foregoing conditions and restrictions during the remainder of the oyster season current at the time the commander reopens same, as above provided. Thereafter the said areas shall be thrown open to public use in the same manner as other natural beds and bars are now used, unless the said areas are again set aside for replenishing, in accordance with the provisions of this sub-title. Any person who shall catch oysters upon such

reserved areas contrary to the provisions, conditions and restrictions of this section, shall be guilty of a misdemeanor, and upon conviction thereof shall be imprisoned in jail or in the House of Correction, for not less than three months, nor more than one year in the discretion of the court.

135. DISPOSITION OF SPECIAL TAX. The Comptroller of the State Treasury shall pass the amount of the special charge or tax of five cents per bushel, provided for by this sub-title, to the credit of a fund to be known as the "Oyster Conservation (now Conservation) Fund." This fund shall be drawn upon only for reimbursing to persons holding the deputy commander's certificates, the expense of catching, removing and transplanting seed oysters, not to exceed five cents per bushel; and any excess thereafter remaining may be used by the commander for purchasing oyster shells or obtaining other seed oysters, to be transplanted under the direction of the commander upon such areas within the location mentioned in Section 133, as may be hereafter set apart by him for that purpose.

136. PROTECTION RESERVED AREAS. The Commander of the State Fishery Force shall assign one or more boats of the force to guard areas reserved under the provisions of this sub-title, and to supervise the taking of oysters therefrom. The said boat or boats shall remain on guard throughout each oyster season in which the reservation of such areas continues; and when such areas are reopened for public use, it shall be the duty of the deputy commander of the said boat or boats to prevent oysters caught upon such areas from being removed contrary to the provisions of this sub-title, and to arrest all violators of such provisions.

137. EXTENSIONS. It shall be the duty of the Commander of the State Fishery Force to report in detail to the General Assembly of Maryland concerning the progress of the work under this sub-title for replenishing the natural beds, bars and rocks, such report to be printed and submitted immediately prior to the convening of said

Assembly in each of the years 1916 and 1918, to the end that the system of replenishing natural beds, bars and rocks may, if successful, be extended to other localities of this State.

PART V—CONCURRENT LAW, MARYLAND AND VIRGINIA, RELATING TO OYSTERS, FISH AND CRABS IN POTOMAC RIVER.

(Code, Article 72.)

68-A. RIGHTS OF CITIZENS OF MARYLAND AND VIRGINIA. It shall be lawful for any citizen of the State of Maryland, or the State of Virginia, to take fish, oysters or crabs from the Potomac River after complying with the requirements of the laws of the State of which he is a citizen for the taking of fish, oysters or crabs from the waters of such State; and any citizen of either State who takes fish, oysters or crabs from the Potomac River without having complied with the requirements of the law of his State as to the taking of fish, oysters or crabs in its own waters, shall be considered guilty of violating the laws of the State of which he is a citizen, and shall be prosecuted according to such laws. It shall not be lawful for any person to take or catch fish, oysters or crabs in any manner whatever in the waters of the Potomac River unless he be a citizen of Maryland or of Virginia, and shall have been a resident of the State of which he is a citizen for twelve months immediately preceding. Any such non-resident violating this section shall be subject to a fine of five hundred dollars; furthermore, any vessel, with its equipment and cargo, or any net or other appliances used in violating this section, shall be deemed forfeited to the State.

68-B. CLOSED SEASON FOR CATCHING OYSTERS. It shall not be lawful for any citizen of Maryland, or of Virginia, to take or catch oysters with a scoop, scrape, dredge, or any other instrument in the waters of the Potomac River between the fifteenth day of March and the first day of November of each year; it shall not be lawful for any citizen of either State to take oysters with tongs from the waters of the Potomac River between the twenty-fifth day of April and the fifteenth day of September of each year, except as hereinafter provided in Section 68-D; it shall not be lawful for any person to have in possession any

oysters taken from the waters of the Potomac River between the first day of May and the fifteenth day of September of each year. Every person found guilty of violating any of the provisions of this section shall be fined not less than fifty dollars nor more than five hundred dollars for each offense, and the vessel, together with its equipment and cargo used in violating any such provisions, shall be forfeited to the State.

68-C. CULLING OYSTERS. All oysters taken from any natural rocks, beds or shoals within the Potomac River shall be culled on their natural rocks, beds or shoals as taken, and oysters whose shells measure less than two and one-half inches in length, measuring from hinge to mouth, and all shells shall be included in said culling and replaced on said rocks, beds or shoals; provided, that oysters once passed from the culler less than the prohibited size and all shells shall be considered as not having been culled according to the provisions of this section; provided, that when small oysters are adhering so closely to the shell of a marketable oyster as to render removal impossible without destroying the small oyster, then it shall be necessary to remove it. And it shall be unlawful for any person to take, buy or sell the small oysters and shells from the natural rocks, beds and shoals as aforesaid, or to take, buy, sell or have in possession oysters less than two and one-half inches in length from hinge to mouth. Inspectors or other officers to examine cargo, and arrest boat captain where over five per cent. unmerchantable; penalties; cargo to be returned to bed or bar where caught. (For full text, see Code.) Provided, that this section shall not apply to that portion of the Potomac River above a straight line drawn from the north point at the mouth of Upper Machodoc Creek, in the County of King George, Virginia, to Lower Cedar Point, in Charles County, Maryland.

68-D. SEED OYSTERS. It shall be lawful, between the first day of January and the first day of May of each year, to take oysters of any size with ordinary or patent oyster tongs from the natural rocks, beds and shoals in the Potomac River above a straight line drawn from the north

point at the mouth of Upper Machodoc Creek, in the County of King George, Virginia, to Lower Cedar Point, in Charles County, Maryland, to be used for planting in the waters of Maryland or Virginia only; but it shall be unlawful at any time to take shells to which no oyster is attached, or to take oysters from said waters at any other time, or in any other manner, or for any other purpose, than as above provided. Any person convicted of taking shells as aforesaid, or of taking oysters from the Potomac River above the said line at any other time or in any other manner than with oyster tongs, or for any other purpose as aforesaid, shall be fined not less than one hundred dollars nor more than five hundred dollars, or confined in jail not less than thirty days nor more than six months, either or both. Any citizen of Maryland, or of Virginia, who has complied with all the requirements of the oyster laws of his State entitling him to the privilege for a certain period of taking and catching oysters with ordinary or patent tongs in such State, shall have the right without further license tax to take oysters with such tongs above the said line during the open season provided for in the waters above said line.

68-E. PERMIT FOR CATCHING SEED OYSTERS; HOW OBTAINED; OATH REQUIRED; PENALTIES. Special permits must be obtained from inspector or police boat officers of Maryland or Virginia, for each vessel catching seed oysters, whose master shall make oath that oysters are to be used only for planting in Maryland or Virginia. Carrying seed oysters out of said two States prohibited under heavy penalty. (For full text, see Code.)

68-F. PUNISHMENT OF OFFENDERS; EXAMINATION AND ARREST. All offenses committed against the provisions of this act by persons not citizens and residents of either State may be punished by any of the magistrates or courts of either State having criminal jurisdiction; all offenses committed against the provisions of this act by citizens of either State shall be punished by any of the magistrates or courts of the State of which he is a citizen having criminal jurisdiction.

The authorities of either State shall have the right to examine into the right of any person taking fish, oysters or crabs in the Potomac River, or having same in his possession; and any person taking fish, oysters or crabs in the Potomac River, or having same in his possession, shall exhibit his authority for so doing whenever required by the police or other legal authority of either State. The legal authorities of either State shall have the right to arrest any such offender, and, if necessary in order to arrest, shall pursue such offenders beyond the boundary line of either State upon navigable waters, and arrest such offender whenever found upon such waters.

68-G. PENALTIES; FORFEITURES; APPEAL. (Text omitted, see Code.)

68-H. PENALTY FOR FAILURE TO REPORT VIOLATIONS. If any oyster inspector, or other officer empowered with the duties of enforcing the provisions of this act, knowingly fail to report violations of the same, or to perform any of the duties herein required of him, he shall, for every such offense, be liable to a fine of one hundred dollars, to be applied to the oyster fund of his State.

59-B (Art. 39.) REGULATIONS FOR FISHING AND CRABBING IN POTOMAC. Any citizen of Maryland or Virginia desiring to fish for market or profit with a pound net, fyke net, gill net, haul seine, sturgeon net, skirt net, weir or other device in the waters of the Potomac River, shall first apply to the regularly constituted officer, as determined by the laws or regulations of the State of which he is a resident, and in the district or locality in which said applicant resides, except that the applicant for license to fish with the fixed device shall apply to the officer of the district or locality in which such fixed device is proposed to be located for a license, and state on oath the true name or names of the person or persons applying for said license; that they are and have been for twelve months next preceding residents of the State in which such application has been made; the place at which the net, seine, fyke, weir or other device is to be fished, and that during the period of the

license he will not violate any of the laws of the State in which he resides in relation to the taking and catching of fish; provided, nothing in this section shall apply to any person using a net solely for the purpose of supplying his own table. Such oyster inspector or other authorized officer shall thereupon grant license to use such net or other device, and state in such license the name or names of the person or persons who shall use the same, the place at which it is to be located or used, the season for which said license is granted, which season shall begin on the first day of February in any year and end on the thirty-first day of January of the year following, and the amount of tax as prescribed by the laws of the State where issued.

Any citizen of either Maryland or Virginia desiring to take or catch crabs from the waters of the Potomac River by any method, or any person desiring to engage in the business of buying crabs for picking or canning or shipping the same, shall pay to the oyster inspector or other designated official in the district in which he resides such specific license tax as is prescribed by the State of which he is a resident.

If any person shall use or set, or cause to be used or set, any such net or seine as aforesaid, or shall take or catch crabs in the waters of the Potomac River within the jurisdiction of the State of Maryland or Virginia without having first paid the tax and obtained the license provided for under the laws of the State in which such net is set or crabs are taken, he shall be deemed guilty of a violation of the provisions of this section, and shall, for each such violation, be fined not less than ten dollars nor more than two hundred dollars, and shall forfeit to the State such net or other fishing devices used in said violations.

It shall be unlawful for any person to use a haul seine or pound net, head or pocket having a smaller mesh than two inches, stretched measure, for the purpose of catching food fish. Any net having a funnel mouth, round mouth, or square mouth, with head above water, shall be construed as a pound net. Any person or persons using a

net in violation of this provision shall be fined not less than ten dollars nor more than one hundred dollars for each offense, and such net or nets shall be forfeited to the State.

BOUNDARY LINE, MARYLAND-VIRGINIA. By joint resolution No. 5, which appears in the Acts of 1916 at page 1678, the Conservation Commission of Maryland as successor to the Board of Shell Fish Commissioners and the Commander of the State Oyster Navy are "authorized and directed to mark and maintain with buoys placed at intervals of not more than one mile apart the line between the waters of the State of Maryland and the waters of the State of Virginia from Cedar Straits in Pocomoke Sound to Williams Point in Pocomoke River."

PART VI—FISH AND FISHERIES.

(Code, Article 39.)

HEAD OF BAY.

1. SEASON FOR CATCHING HERRING AND SHAD IN CHESAPEAKE BAY. No person except resident citizens of this State shall fix, set or stake out any sort of gill nets, either stationary or floating, or any device whatever, for the taking of herring and shad in the Chesapeake Bay at any time between the first of March and the first of June in each year; and any person so offending shall forfeit the vessel and tackle used in such fishing, and all the nets, apparatus and devices for taking fish, and also pay a fine of fifty dollars for each offense.

2. SEINE OR DRAG NETS; WHEN AND WHERE PROHIBITED. No person shall, from the tenth day of June to the first day of October in each year, fish with hauling seine or drag-net of any kind within the Chesapeake Bay or any of its tributaries lying northward of the following line, viz: Beginning at Still Pond, in Kent County, and drawn westward to Lego's Point, in Harford County.

3. PURSE NETS PROHIBITED ABOVE CERTAIN LINES. No person shall at any time be allowed to fish with purse-nets at any point in the Chesapeake Bay above or north of a line drawn east from Robin's Point, on the Western Shore, to Handy's Point, on the Eastern Shore of Maryland.

4. PURSE NET LICENSES. No person shall fish with purse or buck nets within the State of Maryland south of the line drawn from the line aforesaid due east to the Eastern Shore without first obtaining a license so to do from the Comptroller of the Treasury, and then only from June 15th to November 1st of each year, and the applicant shall pay the sum of twenty-five dollars for each and every purse or buck net owned and operated by him, whereupon the said

Comptroller shall issue to such applicant a license or licenses to operate such purse or buck nets; and all monies arising from said licenses shall be paid into the State Treasury for the maintenance of the State Oyster Navy; and any person failing to procure such license and violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to the fines and penalties imposed by Section 5 of this article and to the penalties imposed by the statutes of Maryland for failure to procure licenses wherever required by law. It shall be unlawful to use a purse or buck net with a mesh less than three inches for the catching of food fish, and no license shall be issued by the Comptroller of the Treasury for the use of a purse or buck net with a mesh less than three inches, and unless the steam or sail boats used in connection with purse or buck nets have been owned by bona fide residents of the State of Maryland twelve months before the issuing of said license. Notwithstanding anything herein to the contrary, no one shall be permitted to use purse or buck nets in Chester River or any of the tributaries of the Chesapeake Bay within the limits of Baltimore, Queen Anne's, Anne Arundel, Harford or Cecil Counties. It shall be unlawful to use a purse net within one mile of the shores of Harford County, exclusive of Poole's Island.

5-6. PENALTIES AND FORFEITURES FOR VIOLATION OF ABOVE SECTIONS. (Text omitted, see Code.)

7-8. FISH STAKES OR POLES IN UPPER BAY AND CERTAIN RIVERS PROHIBITED; PENALTIES. (Text omitted, see Code.)

9-11. PROHIBITS ANCHORING VESSEL IN ANY FISHERY IN UPPER BAY; PENALTIES; FORFEITURES. (Text omitted, see Code.)

12. PROHIBITS VESSELS SAILING THROUGH SEINES; DAMAGES; PENALTIES. (Text omitted, see code.)

13-14. PROHIBITS FLOATS BEING ANCHORED SO AS TO INTERFERE WITH SHORE FISHERY; REGULATES HAULING SEINE FROM FLOATS; PENALTIES. (Text omitted; see Code.)

PATAPSCO.

15. FISH LADDERS IN PATAPSCO. The owners of all dams on the Patapsco River are required to make and keep, or cause to be made and kept, in repair proper fish ladders and have them placed on said dams, so as to afford to the fish in said river free course up and down said river.

16-17. PENALTIES FOR VIOLATION OF ABOVE SECTION; APPEAL. (Text omitted, see Code.)

SEVERN RIVER.

Act 1916, Chapter 581. Unlawful to fish in Severn River or any tributary thereof with seine, net, weir or other implement or instrument, except hook and line. Penalty, \$20-\$100. Line from Greenbury Point to Horn Point marks mouth of Severn, for this law.

PATUXENT.

18. RESTRICTIONS ON FISHING IN PATUXENT RIVER AND TRIBUTARIES; PROVISOS. It shall not be lawful for any persons, other than bona fide resident citizens of Prince George's, Charles, St. Mary's and Calvert Counties, to take or catch fish in the waters of the Patuxent River and tributaries, with any seine, weir trap or other device, excepting only the hook and line; provided, that the provisions of this section shall not apply to such as shall obtain permission from the owners of the lands bordering on said waters to fish off and opposite their land or lands so bordering on said waters; and provided, that none other than bona fide resident citizens of said counties shall use, in any of the waters of said river that bind on Prince George's, Charles and Calvert Counties above the village known as Benedict, any seine, weir, or net more than seventy fathoms long and less than two inches square in the mesh.

19. EMPTYING SEINES UPON BEACH PROHIBITED. It shall not be lawful for any person to empty his seines upon the beach so as to leave the smaller fish to perish, but he

shall empty the same in water of sufficient depth to enable such smaller fish to return to the waters for growth and maturity.

20. PENALTIES FOR VIOLATING TWO PRECEDING SECTIONS. (Text omitted, see Code.)

21. RESTRICTIONS; SEINE HAULING PATUXENT RIVER. It shall not be lawful for any persons, except bona fide residents of St. Mary's, Anne Arundel, Charles, Calvert and Prince George's Counties, to haul in the waters of the Patuxent River, between Sheriden's Point and Point Patience, any seine of greater length than sixty fathoms at any time between the first day of June and the first day of October following.

22. PENALTIES FOR VIOLATION OF ABOVE SECTION. (Text omitted, see Code.)

23. FURTHER REGULATIONS; PATUXENT RIVER. No person shall stake down any seine or net entirely across the Patuxent River for the purpose of taking shad or herring; nor shall any person whip, thresh or beat the waters of the Patuxent River with poles or any other instrument for the purpose of driving any fish within any seine or net; nor shall any person, except bona fide residents of Prince George's, Charles, St. Mary's, Anne Arundel and Calvert Counties, in fishing in the said river, between the fifth day of March and the fifteenth day of May, use any seine or net with meshes of less than one and one-half of an inch square; or during the rest of the year with any seine or net with meshes of a less size than two inches square; and no person shall empty any seine except in water twelve inches deep; and any person violating this section shall be subject to the fine and forfeiture provided in Section 20.

24. PROHIBITS ANCHORAGE NEAR FISHING SHORE IN PATUXENT. No vessel, float, raft or boat of any description, unless compelled to do so by stress of weather or other unavoidable accident, shall be anchored or stayed in the birth or haul of any regularly-hauled fishing shore in the

Patuxent River and remain thus anchored for the space of half an hour when the weather will permit the departure of such vessel, raft, float or boat after being warned to depart therefrom by the owner or occupant of said fishery.

25-26. PENALTIES AND FINES FOR VIOLATION OF ABOVE TWO SECTIONS. (Text omitted, see Code.)

27. VESSELS SAILING THROUGH SEINE; PENALTIES. If any such vessel, float or boat shall be wilfully, wantonly and maliciously, or from gross negligence, sailed through any seine extended in any of said fisheries, the skipper, captain or other person commanding such vessel, float or boat shall pay to the owner or holder of such seine not less than twenty nor more than one hundred dollars, at the discretion of the justice of the peace trying the case.

28. OBSTRUCTIONS TO FISHERY. If any person shall wilfully and maliciously put any stake, log, stone, ballast or other obstruction in the berth or haul of any fishery, he shall pay a fine not less than twenty nor more than one hundred dollars, at the discretion of the justice of the peace trying the case.

29. FURTHER REGULATIONS; FISHING IN PATUXENT. It shall not be lawful for any person, persons, corporation or corporations to set, place, construct or use any pound net, fyke net, trap net, sunken net or staked net of any kind, or any device of any kinds or description now known or hereafter to be invented for trapping or catching fish in any part of the Patuxent River from Queen Anne Bridge on said river down said river to a straight line drawn across the mouth of said river from Drum Point Light House, in Calvert County, to Hog Point, in St. Mary's County, nearer than 500 yards in every direction from any other net or device above mentioned or of the total length of any net or device above mentioned of more than 175 yards in length, including the leaders or hedges or wings thereof, below a straight line from Truman's Point Wharf, across said river, to a point on the shore directly opposite said wharf, or of a total length of more than 50 yards in said river above said straight line from Truman's

Point Wharf or at a greater distance across the waters above mentioned from low water mark on either side; and be it further provided that whenever the word net, or the word device, is mentioned in this section it shall be held to include the leader or leaders, or hedge or hedges, or wing or wings, of said net or device; provided, however, that this section shall not apply to catching fish with hook and line, floating gill nets, purse nets or seines.

30. **SIZE OF MESH.** It shall be unlawful to use or haul any seine or gill net or purse net in any part of said river with a smaller mesh than that prescribed in Section 23 of this article, or at any other time than prescribed by said Section 23 or in any creek or tributary of said river less than two hundred feet wide at its mouth.

31. **PURSE SEINES PROHIBITED; EXCEPTION.** It shall not be lawful for any person to catch or take fish in the Patuxent River or any of its tributaries with purse seines, except for food purposes.

32. **PERMITS.** Any person wishing to catch or take fish in the Patuxent River with purse seines for food purposes shall make application to a justice of the peace in the county in which he resides for a permit and shall make oath before said justice of the peace that he is a resident of said county and does not intend to catch fish for the purpose of manufacturing into fertilizer or to put upon the land in a raw state, and all person or persons making a false oath shall be deemed guilty of perjury and subject to the penalty provided in case of perjury.

33-35. **ARREST OF OFFENDERS; FORFEITURES; TRIAL; PENALTY.** (Text omitted; see Code.)

POTOMAC.

36. **SHAD AND HERRING SEASON IN POTOMAC.** The fishing season for shad and herring in the waters of the Potomac River shall begin the fifteenth day of March and end the first day of June in each year.

37. PENALTY. If any person shall haul, drift, anchor or stake in the Potomac River, or any of its tributaries in the State, any gill nets or seine of any description (except those commonly called market seines for summer and winter fish, and sturgeon nets with eight-inch meshes), at any time not within the period fixed by the preceding section, he shall forfeit all the boats, seines and fixtures then in his possession and be fined for each offense not less than fifty nor more than one hundred dollars.

38. REGULATIONS FOR HAULING SEINE. No person shall haul, drift or fish any seine or gill nets within the water bounds or berths of any regularly hauled fishing landing, nor opposite to any part of the shore of the owner or occupier of any such landing, within hauling distance from such shore, between the fifteenth day of March and the first day of June in each year, without the permission of the owner or occupier of such fishing landing; and any person so offending shall be subject to the forfeiture and fine prescribed by the preceding section.

39. ARREST OF OFFENDERS. The owners or occupiers of the regularly hauled fishing landings are authorized to render any sheriff or other officer assistance necessary to arrest any person violating any of the provisions of the two preceding sections; and the said officer shall seize all boats, seine and fixtures in possession of such person, and carry the person so arrested before some justice of the peace, to be dealt with as herein directed; and the said officer may summons the posse comitatus to aid him in making arrest or seizure authorized by this section; and may for that purpose also press, at the expense of the State, any steamboat or other vessel belonging to any citizen of this State not actually engaged in carrying the United States mail.

40. SEASON FOR CATCHING BASS IN POTOMAC. It shall not be lawful for any person to catch or kill any black bass, green bass, rock bass, pike or pickerel or wall-eyed pike (commonly known as salmon), between the fifteenth day of April and the first day of June of each

year; nor catch or kill any of said species of fish at any other time during the year, save only with rod, hook and line or dip-net. The words "hook and line" shall not include trot-line or out-lines. This section is not applicable to Montgomery County.

41-2. PENALTIES; WHERE APPLICABLE. (Text omitted, see Code.)

43. TRIBUTARIES OF POTOMAC. It shall not be lawful for any person to catch or kill any black bass, green bass, pike or pickerel or wall-eyed pike (commonly known as salmon) in the tributaries of the Potomac River between the fifteenth day of April and the first day of June of each year, nor catch or kill any of said species of fish at any other time during the year save only with a rod, hook and line or dip-net.

44. PENALTY. Any person violating the provisions of Section 43 shall be guilty of a misdemeanor, and shall be punishable, on conviction, by imprisonment in the county jail not exceeding six months, or by a fine not exceeding two hundred dollars, or by fine and imprisonment.

45. LOCALITIES EXEMPT. The provisions of Sections 43 and 44 shall not be applicable below Little Falls, near Washington, and shall not apply to that part of the waters of the Monocacy River and its tributaries lying in Creagerstown and Woodsboro Districts, Frederick County, and Middlebury District, in Carroll County, from the bridge over the Monocacy River on the turnpike road leading from Woodsboro to Creagerstown, in Frederick County, to the head of the Monocacy River and its tributaries.

46. OBSTRUCTING FISHERIES PROHIBITED. If any person shall, during the months of March, April, May and June, place any boat, vessel or other obstruction or hindrance in the way of laying out or hauling any seine used in any lawful fishery on said river or its tributaries, or otherwise obstruct or hinder such laying out or hauling, and he or his agents shall fail or refuse forthwith to remove such ob-

struction or hindrance on being required to do so by the person so obstructed or hindered, he shall pay a fine of not less than twenty nor more than one hundred dollars.

47. PENALTIES FOR VIOLATING ABOVE SECTION. (Text omitted, see Code.)

48. ANCHORAGE OF VESSEL. Any owner or occupier of a fishery on the Potomac River may cause and permit all vessels employed by him in carrying on his business to be anchored or moored opposite his shore, but not so as to interfere with the rights of the owners or occupiers of adjoining shores in laying out their seines.

49. LICENSE FOR SHAD AND HERRING. No person shall fish in the Potomac River or its tributaries for shad and herring during the season prescribed in Section 36 with seines, gill nets or nets of any kind, without having first obtained a license therefor, as hereinafter provided; and no person shall be entitled to obtain such license for fishing with a hauling seine who is not the owner or occupier of some fishing shore on said river; nor shall any persons be entitled to obtain such license for fishing with gill nets, except bona fide citizens of the counties bordering on said river.

50. HOW LICENSES OBTAINED. All persons entitled under the preceding section to fish for shad and herring in the Potomac River and its tributaries shall first obtain a license therefor, by application to the clerk of the circuit court for the county bordering on said river, opposite to, or in which he may desire to fish, which license shall have effect for and during the period fixed in Section 36; and the Comptroller of the Treasury shall cause to be printed and delivered to the several clerks of the circuit courts for the counties bordering on said river, the requisite number of such blank licenses, and take their receipts for the same, as for other licenses furnished; and said clerk shall, on the first Monday in June in each year, return to the said Comptroller a list and account of such licenses issued by them.

51. CONTENTS OF LICENSES. (Text omitted, see Code.)

52-56. FISHING IN POTOMAC WITHOUT LICENSE PROHIBITED; NUMBER OF LICENSE TO BE PAINTED ON BOAT; ARRESTS FOR VIOLATION; FORFEITURES; PENALTIES; DISPOSITION OF FINES. (Text omitted, see Code.)

57. FISHING FROM ARKS, LIGHTERS OR FLOATS PROHIBITED; PENALTIES. It shall be unlawful hereafter for any person to fish in the Potomac River from what are known as arks or lighters, or from any kind of vessel or float, by whatever named called, in or upon which persons may live or may exclusively occupy; but all such fishing shall be with and from regular seine or gilling boats. (Penalties prescribed, see Code.)

RIVERS IN TALBOT, DORCHESTER AND CAROLINE.

60. FISHING REGULATIONS. No person shall take or catch fish in the waters of Talbot, Dorchester or Caroline Counties except the citizens of said counties, and except such residents of this State as may obtain the permission of the owner or occupier of land bordering on any of the said waters; provided, that any person so obtaining permission shall not employ in his service any other than a bona fide resident of this State.

61. PENALTY. Any person violating the preceding section shall pay a fine of not less than five nor more than fifty dollars, and forfeit the boat or vessel in his possession, together with the seine, tackle and all things on board at the time the offense may be committed.

WYE RIVER AND RIVERS IN QUEEN ANNE'S AND KENT COUNTIES.

62. SEINE HAULING WITHOUT SHORE-OWNER'S PERMISSION PROHIBITED. If any person shall haul a seine in Wye River, or any of the rivers of Queen Anne's or Kent Counties, without the permission of the owner or occupant of the shore where such seine may be hauled, such owner

or occupant may seize, by way of distress, the seine, boat, tackle and everything on board the boat, and may have the damages sustained by him by reason of such hauling of a seine ascertained by a justice of the peace or by three citizens to be summoned and sworn by a justice of the peace; and when the damages are so ascertained the owner or occupant of such shore may have the seine, boat and articles so distrained appraised and sold to pay such damages.

FINES, PENALTIES AND FORFEITURES.

63-71. PENALTIES; ARRESTS; PROCEDURE; FORFEITURES; PROCEEDS; SALES; DISPOSITION OF FINES; COMMITTALS. (Text omitted, see Code.)

TROUT AND OTHER FISH.

72. SEASONS FOR CATCHING TROUT. It shall not be lawful for any person to take, catch or kill any speckled brook trout, or any speckled river trout, save only with a hook and line, or to have any such trout in his possession, except during the months of April, May, June, July and the first fifteen days in the month of August, under a penalty of five dollars for each trout so caught or had in his possession; but this section shall not prevent any person or corporation from catching trout in any manner or at any time in waters owned by him or them, or upon his or their premises to stock other waters. (The Act of 1916, Ch. 404, permits the catching of brook trout in the waters of Frederick County with rod, line and hook from March 31st to July 1st.)

73. REGULATIONS. It shall not be lawful for any person within this State to take or catch any brook trout at any time in any of the waters of the State by means of any fish-basket, seine or seines, net or nets, trap or traps, under a penalty of five dollars for each and every fish so taken.

74. **POISONING FISH.** No person shall place in any fresh water stream, lake or pond, without the consent of the owner, or in the waters and estuaries with the rivers debouching into them, any lime or other deleterious substance, with the intent thereby to poison or catch fish, under a penalty of one hundred dollars.

75. **ARTIFICIAL PONDS.** Whenever any person who owns, controls or erects an artificial pond upon his own land, or land of which he is in legal possession, shall put therein any fish, or the eggs or spawn of fish, for the purpose of breeding and cultivating fish, and shall give notice thereof, either in one or more newspapers of the county, or by written or printed handbills put up in public places near said pond, any person who shall thereafter enter upon such premises, without the consent of the owner, for the purpose of fishing, or shall catch in said pond or ponds and take therefrom any fish, shall be guilty of a trespass, and, in addition thereto, shall be liable to a penalty of five dollars for the first fish, ten dollars for the second, and twenty dollars for the third and each subsequent offense.

76. **TROUT FISH CULTURE.** Any person or company engaged in the increase of brook trout by artificial process (known as fish culture) may take from his or their pond or ponds in any way, and cause to be transported, and may sell any brook trout and the spawn of brook trout at any time; and common carriers may transport them, and dealers may sell them on condition that the packages thereof so transported are accompanied by a certificate from a justice of the peace, certifying that such trout are sent by the owners or agents or parties so engaged in fish culture; and such person or company may take, in any way and at any time, upon the premises of any person, under permission of the owners thereof, brook trout to be kept and used for artificial propagation only, and for no other purpose.

77. **PROSECUTIONS.** Violation of any of the provisions of the five preceding sections may be prosecuted by any citizen of the county in which said violation shall take

place, before any justice of the peace or circuit court for said county; funds paid as penalties shall be equally divided between the informer and the public school commissioners of the county, for the benefit of the public schools in the district where the offense is committed.

78. SEASON FOR BASS AND OTHER FISH. No person shall catch or in any manner take or kill in any waters of this State, above a point where the tide ebbs and flows, any black bass, pickerel or pike perch, otherwise known as wall-eyed pike, and California salmon, between the first day of April and the fifteenth day of June, both inclusive, in each and every year, in any manner whatsoever, nor at any time, save only with rod, line and single hook, baited with natural bait, or tied with artificial fly, or with a spoon or spinner, each equipped with a single hook, or of any size less than eight inches, measuring in the case of each fish from the tip of the nose to the end of the caudal fin or tail, under a penalty of five dollars (\$5.00) for each fish so unlawfully caught, taken or killed.

79. SIZE OF FISH. No person shall catch or in any manner take or kill in the said waters thereof at any time any white or yellow perch of any size less than seven inches in length, or any pike less than fourteen inches in length, or any rock, otherwise known as striped bass, less than ten inches in length, or any tailor less than eight inches in length, or white cat fish under seven inches, or any sturgeon weighing less than twenty pounds, or any rock weighing over twenty pounds, in spawning season of April, May and June, measuring, in case of fish, from the tip of the nose to the end of the caudal fin or tail, excepting haul seines during the time between April first and June twelfth.

80. OBSTRUCTING STREAMS. No person shall, in this State, in any manner or at any time, so obstruct any stream above where the tide ebbs and flows in which trout or other fish have been placed by the State or national government so that said fish shall not have free access up and down said stream, under a penalty of not less

than ten dollars (\$10), nor more than twenty-five dollars (\$25) for every such offense.

81. FISH LADDERS. Every owner of a dam or dams upon any of the said waters of this State is hereby required to make and keep in repair, or cause to be made and kept in repair, and placed upon said dam or dams at least one fish ladder of such character as to enable fish to have a free course up and down said waters at all times under a penalty of not less than twenty-five dollars (\$25), nor more than one hundred dollars (\$100) for each and every offense; provided that one-half the cost of constructing said fish ladders, upon dams in Harford County now in existence, shall be borne by the county commissioners of said county.

82. THROWING EXPLOSIVES IN FISH WATERS PROHIBITED; EXCEPTION; PENALTIES. (Text omitted, see Code.)

83. EMPTYING NET OR SEINE UPON BEACH PROHIBITED; EXCEPTION; MINIMUM SIZE CERTAIN FISH. No person shall at any time empty any seine or net of any description whatsoever upon the beach, shore or land bordering upon any of the waters of this State, or in the waters bordering on said beach, shore or land where the water is less than twelve inches in depth, except that in the waters of the Chesapeake Bay, above Poole's Island, seines or nets may be landed upon the shore or upon the flats; and no person shall at any time so empty any such seine or net as to leave to perish upon the beach, shore or land, or upon any boat or float, any white or yellow perch of any size less than seven inches in length; or any rock fish, or striped bass, less than ten inches in length; or any tailor of any size less than eight inches in length; or any pike of any size less than fourteen inches in length, measuring in each case for each one of said fish from the tip of the nose to the end of the caudal fin or tail; or any sturgeon weighing less than twenty pounds; or any rock weighing over twenty pounds, in spawning season of April, May and June; but every person so using any seine or net of any description, or hook and line, shall immediately cull over and return to waters where same is not less than twelve

inches deep, all of the aforesaid fish therein captured of any size than the aforesaid lengths, or any sturgeon weighing less than twenty pounds; provided, further, that nothing in this section contained shall prevent any one from capturing and destroying in any manner, save only by the way prohibited by Section 82, any German carp, or leather carp, or any carp of any description whatsoever, of any size.

84. PROSECUTIONS BEFORE JUSTICES OF THE PEACE; DISPOSITION OF FINES IMPOSED. (Text omitted, see Code.)

85. SALE OF CERTAIN FISH PROHIBITED. No person shall, in this State, sell or expose for sale, or buy any white perch, yellow perch, rock or striped bass, tailor or pike under size mentioned in Section 83, or any sturgeon under weight as limited in said section, where the fish so offered for sale, or bought, contain over ten per cent. of fish under size or weight, whether such fish so exposed for sale, sold or bought shall have been caught, trapped or in any other manner taken or killed in the State of Maryland or in any other State or county, under penalty for exposing for sale, selling or buying of such fish, as provided in Section 83, for catching said under-size fish; but nothing in this section contained shall be so construed as to prevent any of the fish commissioners of this State, in pursuance of their capacity as a fish culturist, or any other person or corporation which shall first obtain a certificate in writing from the State Game Warden to the effect that such persons or corporations are engaged in the scientific culture or propagation only; and to obtain said certificate said persons or corporations must file with the State Game Warden an application and affidavit to the truth and bona fides thereof, made by the person or officers of the corporation requesting the same, and taken before any officer competent to administer an oath in this State, and said affidavit and application shall be retained and kept on file by said State Game Warden.

86. APPLICATION OF FISH LAWS. All acts and parts of acts, and all sections and parts of sections of the code, both general and local laws, and all amendments of and addi-

tions and supplements thereto, now in force in the State of Maryland inconsistent with the provisions of Sections 78 to 86, with the exception only of Chapter 427 of the Acts of the General Assembly of Maryland, passed at the session of 1896, are hereby repealed.

87. CAT-FISH AND EELS. It shall be lawful to take catfish and eels in any of the waters of the State of Maryland in any manner during the months of September, October, November and December in each year.

88. PENALTIES FOR VIOLATION OF CERTAIN SECTIONS. (Text omitted, see Code.)

89. CLERK'S DUTIES TO ACCOUNT FOR MONIES RECEIVED FROM LICENSES, FINES, ETC. (Text omitted, see Code.)

90. PROVISIO. This article shall not apply to those persons who take fish by hook or line, commonly known as anglers.

CHESAPEAKE BAY.

110. *†FISH LICENSES. Any person, firm or corporation desiring to engage in the business of taking or catching fish for sale, by the use of pound nets, fykes, haul seines or other contrivances, except hook and line, within the waters of the Chesapeake Bay, below Poole's Island, and within the jurisdictional limits of the State of Maryland, shall first obtain by application to the clerk of the circuit court for the county wherein he may reside, or the Clerk of the Court of Common Pleas of Baltimore City, a license therefor, and such license shall have effect from the first day of February, in the year in which it may have been obtained, to the first day of February, inclusive, next succeeding; and provided further, that such license shall not authorize the taking or catching of fish, except with hook and line, within the jurisdictional limits of any county or counties of this State.

*The Act of 1914, Chapter 556, provides that for a period of ten years it shall be unlawful to catch, kill, take or have in possession any sturgeon in the waters of the Chesapeake Bay or tributaries.

†The Act of 1914, Chapter 279, requires non-residents of Maryland to take out licenses for nets used in fishing in the waters of the Atlantic Ocean within the jurisdiction of Maryland in Worcester County.

111. CONTENTS OF LICENSES; LICENSE FEES; EXCEPTION. Each and every license to catch or take fish for sale under the provisions of Section 110 shall state the name, age and residence of the person to whom the same is granted, and every applicant for such license shall pay to the clerk of the circuit court for the county, or the Clerk of the Court of Common Pleas of Baltimore City, when such license shall be granted and before the delivery of the same, the sum of five dollars for the first license, and the sum of one dollar for each and every additional net, haul seine or other contrivance to take or catch fish for sale in the waters of the Chesapeake Bay, and the sum of two dollars for each license to take or catch fish for sale in the tributaries of the Chesapeake Bay; the clerk to receive the sum of twenty-five cents for each and every license so issued, as a fee for issuing the same, including the administering of the oath when required; and the said amount of license received for issuing same shall be paid over by the clerk into the Treasury of the State of Maryland, to be credited to the "Oyster (now Conservation) Fund;" provided that the provisions of this section shall not apply to nor include purse, fyke and hoop, buck or gill nets, nor to hook and line, that nothing in this section shall apply north of a line drawn from Ricketts Point to Love Point.

112. OATH REQUIRED. Every applicant for license to take or catch fish for sale under the provisions of this article, shall be required to make oath or affirmation before the clerk authorized to issue the same, or before some justice of the peace, on whose certificate of the taking of such oath or affirmation the clerk shall issue said license, that "the facts set forth in said license are strictly true; that he has been a bona fide resident of the State of Maryland for the twelve months next preceding his application for said license, and that no non-resident of the State of Maryland is either directly or indirectly interested in the use of said pound net, fyke or haul seine or other contrivance used in taking fish for sale, or any boat or vessel used in the prosecution of said fishing, or pound nets,

fykes, haul seines, or other contrivances in the taking or catching of fish for sale."

112-A. SPECIAL PROVISION FOR FISHING IN WATERS OF BAY WITHIN FOUR MILES OF SHORE LINE OF ST. MARY'S COUNTY BETWEEN CEDAR POINT AND POINT LOOKOUT; LICENSE REQUIRED; PENALTY. (Text omitted, see Code.)

113. LICENSE BLANKS. The Comptroller of the Treasury shall cause to be printed and delivered to the clerks of the circuit courts for the several counties the requisite number of such blank licenses, and take receipt for the same, and for other licenses furnished; and said clerk shall on the first Monday in July and December of each year, return to the Comptroller a list and account of such licenses issued by them, and at the end of each year shall return all unused blank licenses to him, and shall pay over to the Comptroller all the moneys received by them for such license, which amount the said Comptroller shall place to the credit of the "Oyster (now Conservation) Fund."

114. UNLAWFUL TO SET POUND NETS, FYKE NETS, OR OTHER CONTRIVANCES IN WATERS OF BAY BELOW POOLE'S ISLAND MORE THAN ONE-THIRD DISTANCE ACROSS THE BAY; PENALTIES. (Text omitted, see Code.)

114-A. UNLAWFUL TO SET NETS OF ANY DESCRIPTION IN CHESAPEAKE BAY BETWEEN DRUM POINT AND COVE POINT LESS THAN FIVE HUNDRED YARDS APART OR MORE THAN ONE HUNDRED AND SEVENTY-FIVE YARDS IN LENGTH, INCLUDING WINGS, OR MORE THAN ONE-FOURTH DISTANCE ACROSS BAY. (Text omitted, see Code.)

115. PENALTIES AND FORFEITURES FOR VIOLATION OF SECTIONS 110-118, INCLUSIVE. (Text omitted, see Code.)

116. DUTIES OF STATE FISHERY FORCE. It shall be the duty of the Commander of the State Fishery Force to command the deputies under his charge to see that the provisions of Sections 110 to 119, inclusive, of this article are not violated, and to arrest all persons found violating any provisions of said sections, and take the said offender

or offenders to the nearest or most accessible justice of the peace of any of the counties of this State, to be dealt with according to law.

117. FINES TO BE PLACED TO CREDIT OF CONSERVATION FUND. (Text omitted, see Code.)

118. POUND NETS AND STAKE NETS PROHIBITED IN CERTAIN WATERS. The use of pound nets or stake nets shall be absolutely prohibited in the Chesapeake Bay north of Poole's Island, except the bay shore of Kent County up to Howel's Point, at the mouth of Sassafras River, and also on the Susquehanna River (and except on the west side of the Chesapeake Bay from Poole's Island north to one-half mile north of Spesutia Island, on the west side of the bay, not to exceed eight hundred yards from the shore); and any person who shall engage in fishing for sale with the use of said pound nets, stake nets or similar contrivances now used or hereafter invented, in violation of this section, shall be subject to the same fines and penalties as are prescribed in Section 114 of this article; and provided further, that all persons using haul seines and similar contrivances, except pound nets and stake nets, which are hereby prohibited, shall pay the same license and be subject to the same provisions of all sections under the sub-title "Chesapeake Bay," of this article, except gill nets, which are exempted.

119. SHERIFFS AND CONSTABLES OF COUNTIES TO MAKE ARRESTS FOR VIOLATIONS OF SECTIONS 110-118, INCLUSIVE; FORFEITURE AND SALE OF BOAT; DISPOSITION OF PROCEEDS. (Text omitted, see Code.)

120. EXCEPTION. The provisions of Sections 110 to 119, inclusive, shall not apply in any way to the use of the rod, hook and line in taking or catching fish at any time during the year, or gill nets for family purposes.

121. LIMITS OF BAY. The lines defining the headwaters of the Chesapeake Bay at or near the mouth of the Susquehanna River shall be defined as follows: All waters west and south of the following line shall be considered as

belonging to the Chesapeake Bay, to wit: A line drawn from Carpenter's Point, thence to Grove Point; and a line drawn from Grove Point to Howel's Point, but not to include any tributary of said bay.

123. THRESHING FISH INTO NETS PROHIBITED. It shall be unlawful for any person or persons to whip or beat the waters of any river, creek, cove, inlet or tributary within the limits of this State with poles, sticks, or any other thing, for the purpose of driving fish into thresh nets, seines, nets, fish-baskets, or any other contrivance for catching fish, and any person violating this section shall be subject to the fines and forfeitures prescribed by Section 115 of this Act.

PART VII—CRABS AND CLAMS.

(Article 39.)

91. CLOSED SEASON. It shall be unlawful for any person or persons to take, catch or gather hard shell crabs in any of the waters of the State of Maryland between the first day of November and the first day of May next succeeding in each and every year.

92. PENALTIES. Any person or persons violating the preceding section shall be deemed guilty of a misdemeanor, and upon conviction thereof before any justice of the peace shall be fined in a sum of not less than ten dollars nor more than twenty-five dollars, or be confined in the county jail of the county in which said offense was committed for not more than three months, or be both fined and imprisoned, in the discretion of the justice of the peace or the court trying the same.

93. DUTIES OF DEPUTY COMMANDERS. It shall be the duty of the State Fishery Force to assist in enforcing the provisions of the crab laws of this State, and to that end the deputy commanders of said force now or hereafter assigned by law to certain districts shall be specially charged with the enforcement of said laws within their respective districts and with power to arrest all violators thereof wherever found within the State.

93-A. CRABBERS' LICENSES. Any resident of Maryland, desiring to take or catch crabs from the waters thereof for market by any of the means hereinafter mentioned, shall first obtain a numbered license from the clerk of the circuit court for the county in which he resides, or from the Clerk of the Court of Common Pleas if he resides in Baltimore City, such license to be good for the year of issuance only, and shall pay the following fees: (1) For each person working on any boat used in taking or catching soft-shell or shedder crabs with scrapes or with net other than dip-net with handle, a license fee of \$1.00; (2) for each person taking or catching soft-shell or shedder crabs by dip-net with handle a license fee of \$1.00; (3)

for each person taking or catching hard crabs by trot line or by any other means, using either sail, motor boat or row boat, a license fee of \$1.00. Provided, that such license shall not authorize the taking or catching of crabs in any creek, cove, river, inlet, bay or sound within the limits of any county other than that wherein the license shall have been granted; provided, that nothing in this section shall be so construed as to prevent the citizens of counties divided by a river from using said dividing river (Patuxent River and its tributaries) in common. All persons taking or catching crabs under the provisions of this article shall exhibit their license for so doing when required by any officer of the oyster police force, or other officers of the State. Boys, ten year of age and under, shall not be required to obtain a license. Non-residents of Maryland shall not be permitted to catch crabs from the waters thereof for market. Residents of Baltimore City may be licensed to catch crabs in Anne Arundel and Baltimore Counties.

93-B. PACKERS' AND SHIPPERS' LICENSES. Any person desiring to engage in the business of picking, canning or packing crabs in any way, or buying or marketing crabs, shall first obtain a license from the clerk of the circuit court for the county in which he resides or does business, or from the Clerk of the Court of Common Pleas if he resides or does business in Baltimore City, such license to be good for the year of issue only, and shall pay the following fees: (1) For each person, firm or corporation engaged in the business of picking, canning, packing or shipping cooked hard or soft crabs or crab meat (except persons picking and selling crab meat for local family trade), a license fee of \$10.00; (2) for each person, firm or corporation engaged in the business of selling, marketing or shipping live hard or soft crabs by barrel or crate, a license fee of \$5.00; provided that any person who is duly licensed to ship or pack crabs shall not be required to procure further license.

93-C. FEMALE CRABS. It shall be unlawful for any person or persons to catch, offer for sale or hold in his

or their possession at any time, any female crabs bearing eggs visible thereon (sponge crabs) or any female crab from which the egg pouch or bunion has been removed.

93-D. PENALTIES. Any person, firm or corporation violating the provisions of the sections of this sub-title "Crabs," shall be guilty of a misdemeanor, and, upon conviction before any justice of the peace in the county or city in which he resides, shall be fined not less than \$10, nor more than \$100, in the discretion of the court. Upon failure to pay the fine the convicted party may be imprisoned for not more than three months, or until the fine be paid.

94. DISPOSITION OF FUND. One-tenth of all crab license fees provided by this sub-title shall be retained by the respective clerks of the courts issuing same, and the remaining nine-tenths, together with all fines imposed under Section 93-D for violation of any of the provisions of this law, shall be paid into the "Conservation Fund," and shall be disbursed by the Conservation Commission so far as is necessary in paying the expenses incurred by them in the protection or propagation of the crab supply of this State, the balance, if any, to be used in the discretion of the Commission for any of the objects under its control.

SOMERSET COUNTY.

CRAB LAW, ACTS 1916, CHAPTER 419. It shall be unlawful for any person or persons to dredge for crabs on any of the natural bars or rocks set aside for the taking of oysters in the waters of Somerset County, or to take, catch or have in his or their possession any hard crabs, other than one in the peeler state, measuring less than five inches across the shell from tip to tip of spike; nor shall any person or persons take, catch or have in his or their possession any egg bearing female crab, known as the spawn crab, sponge crab, blooming female crab, or mother crab, nor any female crab from which the egg pouch or bunion has been removed, nor shall any person or persons take, catch or keep in floats or in his or their possession any fat crab, or any crab known as snot crab or green crab.

1. CLAM LAW, ACTS 1916, CHAPTER 179. It shall be unlawful for any person not a resident of Somerset County to take or catch clams within the waters of said county, and no resident of Somerset County shall take or catch clams with patent tongs for sale in any of the waters thereof unless he shall first have obtained from the clerk of the circuit court of said county a license which shall state the name, color, age and residence of the person to whom such license is granted, and the number of said license. Every applicant for such license shall pay to the clerk of said court before the issuing and delivery of the same a license fee of one dollar and fifty cents (\$1.50), and said clerk shall also be entitled to receive from said applicant the sum of twenty-five cents (25c) as a fee for issuing said license and administering the oath required herein. Two-thirds of the amount received for such license shall be paid by the Clerk to the School Commissioners of Somerset County for the use of the public schools in said county, and of this amount the portion received from white tongers shall go to the support of white schools, and the portion received from colored tongers shall go to the support of the colored schools, and the remaining one-third shall be paid over by the clerk of said court to the Comptroller of the State Treasury to be credited to the oyster fund.

2. No person, firm or corporation shall engage in the business of shipping clams in Somerset County without having first obtained from the clerk of the circuit court of said county a license for said business, for which a license fee of five dollars shall be charged, two-thirds of which sum shall be paid by the said clerk to the School Commissioners of Somerset County for the use of the public schools in said county; and of this amount the portion received from white licensees shall go to the support of the white schools, and the portion received from colored licensees shall go to the support of colored schools, and the remaining one-third shall be paid over by the said clerk to the Comptroller of the State Treasury to be credited to the oyster fund.

3. Every applicant for a license as aforesaid shall be required to make oath or affirmation before the said clerk, or before a justice of the peace of Somerset County, or a notary public, upon whose certificate of the taking of such oath or affirmation the said clerk shall issue said license that the facts set forth therein are strictly true, and that he has been a resident of said county for twelve months next preceding his application for said license.

4. Every such license shall entitle the holder thereof to take or catch clams in the waters of Somerset County during the calendar year for which same is issued, and shall be issued upon printed forms supplied by the Comptroller of the Treasury, who shall take receipts for the same from the said clerk as for other licenses furnished, and said clerk shall, upon the first Monday of December in each year, return to said Comptroller all unused licenses, and shall pay over to him one-third of the amount received by said clerk for such licenses as in this act provided.

5. All clams that are offered for sale in the State of Maryland, or that are manifested for shipment with any transportation company of Maryland for interstate shipment shall be counted by the shipper, or his legal agent; the count of each sack, barrel, or container, of whatever description, shall be plainly marked either in some conspicuous place on the container itself, or on the tag containing the name of the consignee and the consignor, these words: "This package contains.....clams, full quantity, guaranteed," and no clams shall be offered for sale that do not measure at least one and one-half inches in dimension at its longest points. Any person, firm, or corporation, which shall falsely mark any such container with a number larger than is actually contained therein, or which shall sell or offer for sale any clams of a size smaller than is provided in this section, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be fined or imprisoned, as hereinafter provided.

6. Any person violating the provisions of this act shall, upon conviction thereof, before any justice of the peace for said county, be fined not less than twenty dollars nor more

than one hundred dollars, or shall be committed to the county jail for a period not exceeding 60 days at the discretion of said justice, the defendant having the right of appeal to the circuit court for said county. All persons taking or catching clams under the provisions of this act shall exhibit their authority for so doing when required by any officer of the oyster police force or other officers of the State.

PART VIII—TERRAPIN.

(Code, Article 92.)

1. CLOSED SEASON; COUNTIES EXCEPTED. It shall be unlawful for any person to take or catch or have in possession in this State any terrapin between the first day of April and the first day of November in each year; the term terrapin to apply to those known as diamond back or salt water terrapin, skilpot and sliders. This section shall not apply to Worcester, Somerset, Dorchester, Calvert, Charles, Wicomico and St. Mary's Counties.

2. CLOSED SEASON IN OTHER COUNTIES. It shall be unlawful for any person to take or catch or have in possession in this State any terrapin of a less size than five inches in length on the bottom shell, and no person shall take or catch any diamond-back or salt-water terrapin between the first day of May and the first day of July in each year. This section to apply to Worcester, Dorchester, Wicomico and Somerset Counties; and provided that any bona fide dealer or dealers may have terrapin in their possession during said closed season.

3. TERRAPIN EGGS. It shall be unlawful for any person to interfere with or in any manner destroy terrapin eggs.

4. WHO MAY CATCH TERRAPIN. None but *bona fide* residents of this State shall take or catch terrapin therein.

5. PENALTIES. Any person violating any of the preceding sections shall be deemed guilty of a misdemeanor and upon conviction thereof before a justice of the peace of this State shall be fined not less than five nor more than ten dollars for each terrapin so taken or held in possession, or for destroying such eggs; and the terrapin so held in possession shall be confiscated and returned by the officer making the arrest to the public natural waters for terrapin; one-half of all such fines to go to the informer and the balance to the game warden.

6. EVIDENCE. The possession by any person of terrapins between the first day of April and the first day of November shall be conclusive evidence of violation of this article.

7. WHO MAY ARREST. The constable, game warden and officers of the State Fishery Force shall, upon information of any one, arrest any person or persons violating the provisions of this article and take them before the nearest justice of the peace to be dealt with in accordance to the provisions of Section 5.

PART IX—WILD FOWL; BIRDS AND GAME.

(Code, Article 99.)

1. **WILD FOWL IN FLOCKS.** No person shall at any time, in, on, or over the waters of the State, shoot at or shoot any water fowl bedded in flocks, either upon the feeding or roosting grounds of said water fowl, or elsewhere, from any vessel, boat, float, canoe, or any craft of any kind whatever. (See Section 13.)

2. **LIMITS OF BLINDS.** No person shall at any time, in, on, or over the waters of the State, shoot at or shoot any water fowl from any booby-blind, or artificial point erected at a greater distance than one hundred yards from the natural shore from which the same may be extended.

3. **FEEDING GROUNDS.** No person shall at any time shoot at or shoot any water fowl flying about their feeding grounds or elsewhere over the waters aforesaid from vessel, boat, float, canoe, or craft of any kind contrary to the provisions of this article.

4. **PENALTY.** If any person shall violate any of the provisions of the three preceding sections, he shall be deemed guilty of a misdemeanor and shall pay a fine of not less than ten nor more than one hundred dollars, to be recovered by action of debt in the name of the State before a justice of the peace of the county where the offense is committed, or by indictment in the circuit court for said county.

5. **AIDERS OR ABETTERS.** Any person aiding or abetting another by furnishing a boat or float of any description, or gun, or ammunition, to be used in violation of Sections 1, 2 or 3 of this article shall be deemed guilty of a misdemeanor and shall be dealt with and fined as if he had violated them himself.

6. **ARRESTS.** Any officer of the State Fishery Force, sheriff, constable or commissioned militia officer of the county wherein the provisions of this article relating to

water fowl may be violated, who shall be satisfied either upon his own view or information received of any other person, whether on oath or not, that any one has violated the said provisions, is authorized and empowered to arrest and take into custody such person so offending, and the boatman or other persons found on board of the vessel, boat, float, canoe, or craft employed to convey such offender for the purpose of shooting at or killing wild ducks or wild fowl of any description contrary to the provisions of this article, and shall seize and take into his possession the said vessel, boat, float, canoe, or craft, and the gun or guns, ammunition and decoy ducks in the same or in the use or possession of the offender or offenders.

7. TRIAL. The said officers shall carry the person or persons so arrested before a justice of the peace of the county wherein the offense may be committed, representing to the justice the breach of the law committed; and the said justice shall inquire fully into the alleged offense, of which the finding of vessels, boats, floats, canoes or crafts employed as aforesaid or in the possession or use of the persons charged shall be considered as *prima facie* evidence of guilt.

8-10. FURTHER PROCEEDINGS; FINES, \$10-\$100. FORFEITURE AND SALE OF BOAT. APPEAL. (Text omitted, see Code.)

11. RESISTANCE OF ARREST. If resistance be made to the officer engaged in making such arrest or seizure, such resistance shall be deemed a misdemeanor, presentable by the grand jury of the county and punishable in the circuit court therefor by fine and imprisonment as other misdemeanors are punished.

12. DISTRIBUTION OF FINES, ETC. After the payment of the costs of the prosecution of the offenders, the balance arising from the fine and the sale of the boat and other property hereinbefore mentioned shall be divided and apportioned in the following manner: one-half to the officer and those who assisted him in making the arrest and seizure, and the balance to be paid over to the county com-

missoners for the benefit of the school fund of the county. The preceding sections shall not apply to Baltimore, Harford or Cecil Counties as to which special provision is made in the local laws thereof.

13. SHOOTING FROM BOAT; SPECIAL PROVISIONS; ACTS 1916, CHAPTER 542. It shall be unlawful to purposely or unnecessarily disturb in the waters of this State, or to pursue, kill or shoot at any wild fowl in or from any boat of any description within the limits of the State of Maryland, or to pursue, shoot or gather any wounded or dead ducks, geese, swan or brant in any boat propelled by or equipped with sail or engines of any kind within the said limits.

And it shall be unlawful for the owner or owners of any boat propelled by or equipped with sail or engines of any kind, or of any share or interest in such boat, to use or permit the use of such boat for any of the acts above prohibited, or to loan or hire such boat at any time between the 15th day of October of any year and the 1st day of April in the then next ensuing year, to any person or persons without making due inquiry into the purpose of those applying for the use of such boat and becoming satisfied that those applying for the use of such boat intend to use the same exclusively for other purposes than the violations of the provisions of this act, and that such persons are not equipped with and do not place in such boats any guns or ammunition suitable for shooting wild fowl.

Each and every person on board of any boat by or from which wild fowl shall be unnecessarily disturbed or in which wild fowl shall be pursued, or from which wild fowl shall be shot at in violation of the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof each person convicted shall be fined not less than one hundred dollars nor more than two hundred dollars for each offense, and in the event of the non-payment of the fine, the person or persons so convicted shall stand committed to the county jail or the jail of Baltimore City until such fine and costs are paid, but such imprisonment shall not exceed sixty days for each offense, and in

addition to such fine or fines all boats used by said offenders and the guns and paraphernalia found in or on such boats or in possession of such persons so convicted, or used in such violation of the provisions of this section, shall be adjudged confiscated and ordered to be sold and conveyed by the officer making the arrest or sheriff of the City or county wherein the conviction shall be had. After deducting the cost of the arrests and trials of the persons so convicted, and of the custody, sale and conveyance of said boats, guns and paraphernalia, one-half of the fine and proceeds of sale of the confiscated property shall go to the deputy game warden, constable or other person who shall procure the conviction of any persons for violating the provisions of this section, and the remaining half shall be paid to the State Treasurer to the account of the State Game Protection Fund, to be used by the State Game Warden as may be provided by law.

If any such power boats or boats impelled by sail or engines of any description be found in or near the waters where wild fowl are then and there using or bedding, having on board guns or other paraphernalia commonly employed in the killing of wild fowl, or if any shots shall be fired from any such boat at or in the vicinity of wild fowl where bedded in the waters aforesaid, or if any such boat propelled by engine or sail shall be proven to have moved in the direction of such wild fowl so bedded, for the purpose of causing such wild fowl to fly from the place or waters in which they shall have been then and there bedded, such fact or facts, or any of them, shall be accepted as prima facie evidence of an intentional violation of the provisions of this Section on the part of each person on board of such boat, and of the ownership of such boat and of the guns and paraphernalia thereon by the persons so convicted; provided, first, that nothing herein contained shall be deemed to prohibit the proper use of duly licensed and authorized sneak boats for shooting wild fowl, or duly licensed and authorized push boats, or to prevent the towing of craft by power boats to and from the shooting grounds or to prevent shooting over or gathering wounded or dead wild fowl, in good faith, from boats propelled

only by oars, and not equipped with either sails or engines, when so used within a reasonable distance from the shore; and provided, second, that any person or persons other than those convicted of violating the provisions of this section who may own in part or whole any boat, gun or paraphernalia adjudged to be confiscated or ordered to be sold, as above provided, may intervene by sworn petition in the court of such conviction within ten days thereafter, and make claim to such boat or other property; and upon affirmative proof to the satisfaction of the court of such ownership and of the further facts that such owner or owners were, after making due inquiry as above required, in fact without knowledge or notice of any kind, direct or indirect, in advance of the use made or intended to be made of such boat, guns or paraphernalia, and did not, directly or indirectly, participate therein or connive thereat, and did not, in person or by agent, loan or rent or permit the use of such boat, guns or paraphernalia to any person or persons who, to his or their knowledge or information, intended or were likely to violate the provisions of this section, or who had heretofore pursued wild fowl on the waters of this State in boats and did not in person or by agent or employee act upon such boat as the operator or navigator thereof, then and thereupon the said court shall strike out the judgment of confiscation as to so much of said boat, guns or paraphernalia as the court shall from the evidence affirmatively find belongs to such bona fide innocent owner, and shall order the sale only of the remaining share or shares and interest in said boat, guns and other paraphernalia; provided, that nothing herein contained shall apply to sink boxes nor to motor-boats running with the wind while shooting over decoys, nor to retrieving or shooting wounded wild water fowl which have been wounded over decoys, if said sink boxes and motor-boats running with the wind while gunning over decoys or retrieving ducks wounded or killed over decoys occurs northward of a line drawn east and west from Turkey Point, in Cecil County, and Locust Point, in Harford County.

14. **CLOSED SEASON FOR WILD FOWL.** It shall be unlawful to shoot at or kill any duck, goose, swan or brant within the limits of the State of Maryland, between the 15th day of March and the first day of November in each and every year, and it shall further be unlawful to have in possession any such duck, goose, swan or brant between the 25th day of March and the first day of November in each and every year. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$25.00 nor more than \$50.00 for each offense, and each duck, goose, swan or brant so shot at, killed or had in possession shall constitute a separate offense under this section; provided, however, that upon conviction the court or justice before whom such conviction shall have been had may in its or his discretion impose a single fine for each day or part of a day in which such violation of this section occurred, such fine to be not less than \$100.00 nor more than \$250.00 for every such day or part of a day.

15. **SHOOTING ON SUNDAY PROHIBITED. OTHER RESTRICTIONS.** It shall be unlawful to shoot any wild fowl on Sundays throughout the year, and it shall be unlawful to net or trap ducks in any manner at any time during the year in the State of Maryland, or to employ dynamite in any manner whatsoever for the purpose of capturing or killing any species of wild fowl; and it shall further be unlawful in said State to shoot at or kill any wild duck, swan, goose or brant at any time or in any manner with a rifle, or to fire a rifle in and about places where wild duck, swan, goose or brant are congregated. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than fifty dollars for each and every offense.

16. **FISHING; SUSQUEHANNA FLATS.** It shall be unlawful to fish with nets or in any other manner on the Susquehanna Flats or in the waters of Romney Creek, in Harford County, between the fifteenth day of October and the first day of April. That part of the Chesapeake Bay and tributaries shall be known as the Susquehanna Flats which is

contained within the following metes and bounds: All that portion of the Chesapeake Bay and tributaries lying south of a line drawn east from Concord Light House, in Harford County, to Carpenters Point on the western shore of Cecil County, and north of a line beginning at the light house on Turkey Point, in Cecil County, and drawn westerly to a point half a mile north of the northerly part of Spesutia Island; thence continuing said line still westward, but at no time approaching nearer than a half mile from the northern end of said Island and the adjacent mainland, until it reaches the Harford County shore at or near Oakington. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than fifty dollars.

17. SHOOTING AT NIGHT PROHIBITED. It shall be unlawful to shoot at or kill any wild fowl in the State of Maryland at night time in any manner, whether from the shore or otherwise. Any person found violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall pay a fine of not less than fifty dollars nor more than one hundred dollars for each and every offense, and if it shall be proved that any party charged with shooting at or killing wild fowl at night was at or about the place at which the shot was fired, and that such person had a gun in his possession on the night in question in the vicinity thereof, either reasonably prior to, at the time of or after the firing, such facts shall be deemed *prima facie* evidence of the violation of this section; provided, however, that it shall be lawful for any land owner or person having the permission of such owner to shoot and kill geese and swan at night on or from the shore of such owner.

18. SIZE OF GUN. No person shall at any time in this State shoot at or kill any duck, wild fowl, birds or game with big or swivel gun, or any gun other than such as can be easily raised to the shoulder and held horizontally at arm's length, and without a rest, and fired from that position by a person of ordinary strength and stature. Any person found violating the provisions of this section

shall be guilty of a misdemeanor, and shall be fined not less than one hundred dollars nor more than two hundred dollars for each and every offense, and every gun which cannot be habitually shot from the shoulder in the manner above indicated shall be confiscated and destroyed. If any person is found with such a described gun in his possession in the vicinity of ducks, birds or game, it shall be prima facie evidence of a violation of this section.

19. JURISDICTION OF JUSTICES OF THE PEACE; DISPOSITION OF FINES. Justices of the peace of Harford, Cecil, Kent and Baltimore Counties and Baltimore City shall have concurrent jurisdiction over all violations of the provisions of Sections 13 to 19 arising on the Chesapeake Bay and its tributaries north of a line drawn from the North Point Light to Tolchester Beach.

Any person convicted under Sections 14, 15, 16, 17 or 18, failing to pay his fine, the person so convicted shall stand committed to the county jail or the jail of Baltimore City until the fine and costs are paid, but such imprisonment shall not exceed sixty days for each offense. Any deputy game warden, constable or other person who shall procure the conviction of any person or persons violating the provisions of Sections 14, 15, 16, 17 or 18 shall receive one-half of the fine collected after the payment of costs, and the remaining one-half shall be paid over to the State Treasurer to the account of the State Game Protection Fund, to be used by the State Game Warden as may be provided by law.

20. CLOSED SEASON. PARTRIDGE, PHEASANT, WILD TURKEY, WOODCOCK, RABBIT, SQUIRREL; COUNTIES EXEMPT. No person shall shoot, trap, catch or kill, or gun or hunt for any partridge or quail, English or Mongolian pheasant, American pheasant, dark neck Bohemian pheasant, pheasant or ruffed grouse, rabbit, wild turkey, woodcock or deer within the State of Maryland between the twenty-fourth day of December and the tenth day of November in any year, exclusive of both dates. Nor shall any person shoot, kill or hunt for any squirrel between the twenty-fourth day of December and the twenty-fifth day of August or

between the first day of October and the tenth day of November in any year, both dates exclusive. (Anne Arundel, Calvert, Charles, Dorchester, Prince George's, St. Mary's and Talbot Counties exempted as to squirrels.) Nor upon Sunday or when the ground is sufficiently covered with snow to track the birds or game above mentioned. And there shall be a daily closed season on all the above enumerated game birds and game animals, with the exception of rabbits, between sunset and sunrise.

20-A. WHEN PHEASANTS EXCEPTED. Nothing in Section 20 of this article shall prevent the propagation, raising or killing of domesticated, English or ring-necked pheasants where the said pheasants are hatched out and raised on the place where they are killed; provided, that said pheasants shall not be killed on grounds other than those owned by the breeders thereof, and nothing in this act shall permit the following of said pheasants beyond the boundaries thereof. Any person violating the provisions of this section shall be subject to the same penalty provided for violating Section 20.

21. PENALTIES. Any person convicted, before any justice of the peace of this State, for violating the preceding section (20) shall be fined not less than twenty-five dollars nor more than one hundred dollars and costs for each and every offense. And any deputy game warden, constable or other persons who shall procure the conviction of any person or persons violating the provisions of the preceding section shall receive one-half of the fine collected, and the remaining one-half of the fine shall be paid over to the State Treasurer to be credited to the account of the State Game Protection Fund. Provided, that any person who fails to pay any fine so imposed shall be committed to jail for not less than twenty-five nor more than sixty days.

23. CLOSED SEASON; DOVES. No person shall shoot or in any manner catch or kill in this State any doves between the twenty-fourth day of December and the fifteenth day of August following, under a penalty of not less than one dollar (\$1) nor more than two dollars (\$2) for each dove so shot, caught or killed. But see Section 28-B, *infra*.

24. CLOSED SEASON; SNIPE AND PLOVER. No person shall shoot or in any manner catch or kill in this State any snipe or plover between the first day of May and the fifteenth day of August in each and every year, under a penalty of not less than one dollar (\$1) nor more than two dollars (\$2) for each such bird so shot, caught or killed; provided, however, that this section shall not apply to Worcester County.

25. CLOSED SEASON; REEDBIRD, RAILBIRD, ETC. No person shall shoot or in any manner catch or kill in this State any waterrail or ortolan or reedbird, railbird or ricebird between the first day of November and the first day of September following, under a penalty of not less than one dollar (\$1) nor more than two dollars (\$2) for each such birds so shot, caught or killed.

26. UNLAWFUL TO HAVE IN POSSESSION OR EXPOSE FOR SALE, ALIVE OR DEAD, ANY BIRDS OR GAME ABOVE MENTIONED, IN THE CITY OF BALTIMORE, DURING RESPECTIVE CLOSED SEASONS; PENALTIES AND FINES. (Text omitted, see Code).

27. PROHIBITS POSSESSION OR SALE OF BIRDS OR GAME DURING CLOSED SEASONS THROUGHOUT STATE. No person shall have in possession, expose for sale, sell or buy any of the aforesaid birds or game animals, alive or dead, in said City of Baltimore, or in any of the aforesaid respective counties, during the aforesaid respective closed seasons or dates between which, in said city or counties, it is made unlawful, by the preceding sections of this sub-title, to shoot or have the same in possession, whether such birds or game animals so had in possession, exposed for sale, sold or bought, shall have been shot, or in any manner caught or killed in that county, or in any other county of this State, or in any other State, territory or country, under a penalty for the having in possession, exposing for sale, selling or buying of each such bird or game animal, similar in amount, respectively, to that hereinbefore made and provided for the illegal shooting or having in possession of the same, but nothing in this section or the preceding sections contained shall be so construed as to pre-

vent any person or corporation, from having in his or its possession, at any time, any live birds or game animals, for the purpose of stocking lands in this State.

28. Repealed by Act 1916, Chapter 385, *infra*.

28-A to 28-M, NEW SECTIONS ADDED BY ACT 1916, CHAPTER 385, VIZ:

28-A. All wild birds other than game birds, both resident and migratory, in this State, shall be and are hereby declared to be the property of the State.

28-B. For the purposes of this act the following shall be considered game birds: Anatidae, or waterfowl, including brant, wild ducks, geese and swans; Rallidae, or rails, including coots (mudhens), gallinules, sora and other rails; Limicolae, or shore birds, including woodcock, snipe, yellow-legs and plover; Gallinae, including quail, partridges, ruffed grouse, wild turkeys, and pheasants; doves, so far only as Talbot County is concerned; reedbirds (rice birds or bobolinks) and blackbirds. All other species of wild resident or migratory birds shall be considered non-game birds.

28-C. No person within the State shall kill, catch or have in his or their possession, living or dead, any resident or migratory wild bird other than a game bird, or purchase, offer or expose for sale, any such wild non-game bird, after it has been killed or caught, except as permitted by this act.

28-D. No part of the plumage, skin or body of any bird protected by this act shall be sold or had in possession for sale, and this irrespective of whether said bird was captured or killed within or without the State.

28-E. No person, within the State shall take or destroy, or attempt to take or destroy, the nest or the eggs of any wild bird, other than a game bird, or have such nest or eggs in his or their possession, except as permitted in this act.

28-F. It shall be unlawful for any person or persons or any corporation acting as a common carrier, its officers, agents or servants, to ship, carry, take or transport, either within or beyond the confines of the State, any resident or migratory wild non-game bird, except as permitted by this act.

28-G. Section 28-C-D-E and F of this act shall not apply to any person holding a certificate giving the right to take birds, their nest or eggs for strictly scientific purposes, as provided for in Section 28-H of this act, nor does it prevent any householder from keeping any resident or migratory birds in cages as pets, provided they are not kept for sale, barter or exchange, and that they shall not be shipped beyond the confines of the State.

28-H. Certificates may be granted by the State Game Warden to any properly accredited person of the age of twenty-one years or upwards, permitting the holder thereof to collect birds, their nest or eggs, for strictly scientific purposes only. In order to obtain such certificate the applicant for the same must present to the State Game Warden written testimonials from two well-known ornithologists, certifying to the good character and fitness of said applicant to be entrusted with such privilege, and must pay to said officer one dollar (\$1.00) to defray the necessary expenses attending the granting of such certificate, balance, if any, to the State Game Protection Fund. On proof that the holder of such certificate has captured or killed any bird, or taken the nest or eggs of any bird for other than scientific purposes, the certificate shall become void, and he shall be liable to a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100), or imprisonment of thirty (30) days, or both fine and imprisonment.

28-I. The certificates authorized by this act shall expire on the 31st day of December of the year issued, and shall not be transferable.

28-J. The English sparrow, starling, cooper's hawk, duck hawk, sharp-shinned hawk, and great horned owl, are not included among the birds protected by this act. This

act does not prevent any person from killing crows or blackbirds on his premises if destructive to crops, provided that said birds are not sold or offered for sale or shipped out of the State.

28-K. Any person violating any of the provisions of this act, except Section 28-II, shall be guilty of a misdemeanor, and upon conviction before any justice of the peace, shall be liable to a fine of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00), for each bird, living or dead, or part of a bird, or nest, or set of eggs or part thereof killed or captured or possessed, in violation of this act, or be imprisoned in jail for not more than thirty (30) days, or suffer both fine and imprisonment.

28-L. All game wardens, sheriffs, constables or other officers shall have the duty of enforcing the provisions of this act.

28-M. All acts or parts of acts heretofore passed inconsistent with or contrary to the provisions of this act are repealed.

29. GUN ONLY TO BE USED. No person shall at any time in this State shoot at or kill any of the birds or game animals permitted to be shot or killed under this sub-title, with any other kind of gun than such as is habitually raised at arm's length from the shoulder, under a penalty of not less than five dollars (\$5), nor more than twenty-five dollars (\$25) for every such bird or game animal so shot at or killed, and under a further penalty of not less than fifty dollars (\$50), nor more than one hundred dollars (\$100) for each offense, and every gun which is not so habitually fired from the shoulder, as aforesaid, shall be liable to seizure by any State or county officer authorized to execute warrants and the forfeiture and destruction by any justice of the peace before whom such gun shall be produced. (See Section 18.)

30. NIGHT GUNNING PROHIBITED. No person shall in this State at any time shoot at or in any manner kill or catch, in the night time, any of the birds mentioned in the preceding sections of this sub-title under a penalty

of not less than one dollar (\$1), nor more than twenty-five dollars (\$25) for each bird so killed or caught; and if at the trial it shall be proved that the person charged with shooting at or killing said birds in the night time was at or about the place where the shot was fired, and that he had a gun in his possession on the night in question, in the vicinity where such shooting occurred, either prior to or at the time of or after the shooting, such fact shall be deemed prima facie evidence of his having violated the provisions of this section. (See Section 17.)

31. **SWIVEL GUN PROHIBITED.** No person shall in this State at any time use or have in his possession, or sell or dispose of in any manner, any big or swivel gun, with the intent or for the purpose of shooting at or killing wild ducks, wild geese, wild swan, wild brant or other water fowl, under a penalty of not less than fifty dollars (\$50), nor more than one hundred dollars (\$100) for each offense, and the possession or sale or disposition by any person of any such big or swivel gun in this State shall be deemed prima facie evidence that the same is possessed or sold, or disposed of with the intent, and for the purpose of shooting at or killing such birds in this State, and every gun shall be deemed a big gun, for the purpose of this law, which is not habitually raised at arm's length and fired from the shoulder. (See Section 18.)

32. **FRIGHTENING GAME.** No person shall at any time in this State shoot at or do any act or thing whatsoever with the intent or purpose of frightening wild ducks, wild geese, wild swan, wild brant or other water fowl of any kind from their feeding or roosting grounds, under a penalty of not less than twenty-five dollars (\$25), nor more than one hundred dollars (\$100) for each offense.

33. **FERRET NOT TO BE USED.** No person shall in this State, at any time, use any ferret or weasel for the purpose of hunting, capturing or killing any of the aforesaid game animals, under a penalty of not less than ten dollars (\$10), nor more than twenty-five dollars (\$25) for each offense, and under a further penalty of ten dollars (\$10) for each such game animal so captured or killed.

34. DESTROYING NESTS OR EGGS. No person shall in this State, at any time molest or destroy the nests or eggs of any of the aforesaid birds, except those of hawks or other birds destructive to domestic poultry and game birds, or those of English sparrows, crows and blackbirds, under a penalty of not less than one nor more than twenty-five dollars (\$25) for each offense. (See Section 28-E.)

35. POISONING POULTRY. No person shall kill or injure by poison any domestic poultry or any golden English or Mongolian pheasants, or any of the aforesaid game birds not the property of said person, but upon the premises of and belonging to some one else, under a penalty of not less than ten dollars (\$10), nor more than three hundred dollars (\$300).

36. TRAPPING QUAIL. No person shall trap, net or ensnare any partridge or quail, pheasant or ruffed grouse, wild turkey, woodcock or water fowl of any kind, or have in possession any trap, net or snare with the intent or purpose to capture or kill any such birds under a penalty of ten dollars (\$10) for every such bird so trapped, killed, netted or ensnared, and under a further penalty of fifty dollars (\$50) for the having in possession any such trap, net or snare, and every such trap, net or snare shall be forfeited and destroyed.

38. JURISDICTION, J. P.'s. The justices of the peace of this State in and for the city or county wherein the offense shall be committed shall have jurisdiction to hear and determine all prosecutions for the purpose of enforcing fines and penalties, collectible under the provisions of this subtitle, and all such fines and penalties are expressly made subject to the provisions of Section 51 of this article, and in all cases where such prosecutions are begun or instituted by any person other than the State Game Warden or one of the deputy game wardens of this State, and shall result in the collection of a fine or fines, then one-half of fine or fines, after the proper court costs or costs of the justice of the peace in the trial and decision of the case shall have been paid, shall be paid to the informer, and the other half to the school fund of the city or county in which said prosecution is conducted.

40. **BAG LIMIT.** It shall be unlawful for one person to kill more than twelve partridges (quail) in any one day, or more than two ruffed grouse in any one day, or more than three English pheasants in any one day, or more than fifty rail in any one day, or more than fifty reedbirds in any one day, or more than twelve doves in any one day, or more than six woodcock in any one day, or more than ten rabbits in any one day, or more than ten squirrels in any one day, or more than ten jacksnipe in any one day, or more than 25 wild water fowl (ducks, geese, swan and brant) in any one day for each man on or connected with the outfit, not exceeding four men in number, each of whom shall have a gunner's license, or more than 15 yellow-legs in any one day, or more than five blackbreasted plover in any one day, or more than ten coots (crow bills) and gallinules in all in any one day, or more than four wild turkeys in any one season, or more than one deer per season, during the times when it shall be lawful to shoot such birds and animals. (Penalty is provided in Code).

Chapter 545 of Act 1916, which re-enacts Section 40 so as to read as above stated, further provides "that all laws or parts of laws, either local or general, inconsistent herewith, are hereby repealed, and that this act shall take effect from the first of June, 1916."

41. **PENALTIES.** Any person violating the provisions of the preceding section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in the sum of five dollars for each and every partridge, pheasant, or ruffed grouse, English pheasant, dove, woodcock, jacksnipe, rabbit or squirrel, and the sum of fifty dollars for each wild turkey, and one hundred dollars for each deer so killed in excess of the limits herein mentioned, and shall stand committed to the county jail, if said fine is not paid, for one day for each dollar of fine imposed, but not for a period of more than sixty days; any deputy game warden or constable or informer who shall procure a conviction under this and the preceding section shall be entitled to the half fine recovered, and remaining half shall be paid over to

the State Treasurer to the account of the State game protection fund, to be used by the State Game Warden as may be provided by law.

42. BALTIMORE ORIOLE. No person in this State shall shoot or in any manner catch, kill or have in possession any bird of the species known as the "Baltimore Oriole Icterus," or molest or destroy the eggs or nests of the said birds in the said State. (See Section 28-C.)

43. PENALTIES. (Text omitted, see Code.)

GAME WARDEN AND DEPUTIES.

[Text of Section 44 and succeeding sections has been somewhat modified so as to comport with the act creating the Conservation Commission of Maryland (supra. pp. 6-7) which places the State Game Warden on the staff of the Commission and prescribes that the State Game Warden and the Deputy Game Wardens shall be appointed by the Commission.]

44. GAME WARDEN. The Conservation Commission shall appoint a game warden for the State whose term of office shall be for two years or until his successor be appointed. The said game warden shall receive a salary from the State for his services of twelve hundred dollars per annum, and shall be entitled to an expense account for actual traveling expenses, and other expenses incurred in the discharge of his duties, to an amount not to exceed in any one year the sum of six hundred dollars, and shall receive a portion of the fines arising from the violation of the game and fish laws when the offenders shall be prosecuted by said game warden, or his deputy game wardens, as hereinafter provided. The said game warden may be removed by the Conservation Commission at any time upon proof satisfactory to them that said game warden is not vigorously enforcing the game or fish laws of this State, or is not a fit person for said position. The word "game" shall be taken to embrace deer, wild turkey, pinnated grouse, ruffed grouse, known as "pheasants," Mongolian or English pheasants, woodcock, partridges or quail, rabbits, squirrels, ducks, geese and all other species of wild fowl.

45. DUTIES; GAME WARDEN AND DEPUTIES. It shall be the duty of the said game warden and his deputy game wardens to prosecute all persons and corporations having in their possession any game or fish contrary to either the general or local game or fish laws of this State. It shall also be their duty to see that the game and fish laws are enforced and obtain information as to all violations of the said game and fish laws.

46. APPOINTMENT; DEPUTY GAME WARDENS. Whenever the game warden considers that it is necessary that he should have deputy game wardens appointed to assist him in more efficiently enforcing the game and fish laws of this State, he may apply to the Conservation Commission to commission such persons as it may designate to act as deputy game wardens in the counties and cities of the State, to enforce the game and fish laws of this State, and carry out all the provisions of this sub-title; such persons may be appointed for the whole State or for such counties or cities as the Game Warden shall designate. If the Conservation Commission approve such persons, it may appoint them deputy game wardens; such deputy game wardens shall not receive a salary from the State, cities or counties, but shall be paid such compensation out of the fines collected or otherwise, as the game warden may agree with them.

47. COMMISSIONS. The Conservation Commission shall issue to each person so appointed as deputy game warden a commission, and transmit such commission to the clerk's office of the circuit court for the county in which the deputy game warden so appointed has his legal residence, or to the office of the clerk of the Superior Court of Baltimore City, if residing in Baltimore City, and they may revoke and annul any such appointment at their pleasure.

48. OATH AND AUTHORITY. The game warden for the State and every deputy game warden shall, before entering upon the duties of his office, take and subscribe before the clerk of the circuit court of the county of which he is a resident, or if a resident of Baltimore City, before the clerk of the Superior Court of Baltimore City, the oath or

affirmation prescribed by the sixth section of the first article of the Constitution of this State, which oath or affirmation shall be recorded in the clerk's office of such county or city. The game warden throughout the State, and also every deputy game warden so appointed, after the recording of the oath or affirmation to be by said game warden or deputy game warden taken as aforesaid, shall, in the county, counties, city or cities for which such deputy game warden may be appointed, possess and exercise all the authority and powers held or exercised by constables at common law and under the statutes of this State, and also all authorities and powers conferred by law upon policemen in the City of Baltimore or other cities of the State, as far as arresting and prosecuting the persons for violating any of the fish and game laws of this State are concerned; and they are hereby vested with additional powers to arrest without warrants persons suspected or known to be guilty of violating any of the provisions of the game and fish laws of this State, and to forthwith take any and all such persons before the nearest justice of the peace to be dealt with in accordance with the provisions of the game and fish laws of the State. In the event of finding game or fish taken or had in possession contrary to the provisions of any of the game or fish laws of this State, upon the persons so dealt with, they shall proceed in the manner prescribed in Sections 52, 53, 54 and 55. The clerk shall only charge fifty cents for recording such oath or affirmation.

49. **BADGES.** The game warden and deputy game warden shall, when acting in his official capacity, except when on detective duty, wear in plain view a metallic shield with the words "Game Warden" or Deputy Game Warden," as the case may be, inscribed thereon. The metallic shield or badge provided for in this section is hereby declared to be the property of the State, and upon the termination of the commission of any deputy game warden as provided for by Section 50, it shall be the duty of said deputy game warden to forthwith return to the State Game Warden the said shield or badge and also transmit to him for cancellation and return to the executive department his revoked commission. In case of the failure of said deputy game

warden to comply with the provisions of this section, by returning immediately to the game warden his badge and commission after notice as provided by Section 50, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined five dollars and costs by any justice of the peace of the county or city in which he resides, the said fine to be payable to the game warden.

50. **DISMISSAL OF DEPUTIES.** Whenever the services of any deputy game warden shall no longer be required by the game warden, the game warden shall give a notice in writing to the effect to said deputy game warden and shall file the same in the office of the clerk where the oath of office of such deputy game warden shall be recorded, which notice shall be noted by the clerk upon the margin of the record where such oath or affirmation is recorded, and thereafter the power of this deputy game warden shall cease and determine, and a copy of such notice shall be immediately served on such deputy game warden by the game warden and such service shall be by registered letter through the United States mails or by the sheriff of the county in which the commission of the said deputy game warden so removed shall be recorded.

51. **DISPOSITION OF FINES.** In all cases in which prosecutions for violations of any of the general or local game or fish laws of this State shall be instituted by the game warden or any deputy game warden and shall result in the collection of a fine or fines, after the proper court costs or costs of the justice of the peace in convicting such offenders shall have been paid, shall be paid to the game warden as his compensation. And all public and local game and fish laws heretofore enacted are hereby so amended as to make the fines therein provided payable to the game warden according to the terms of this section. This section shall not prevent the collection of any portion of such fines given by law to the informer by any person not a game warden or deputy game warden procuring the conviction of any person violating the game and fish laws.

52. **SEARCH WARRANTS.** If the game warden or any deputy game warden or police officer or other person has

reason to believe that any person or corporation has in his or its possession, contrary to law, any bird, game as defined by Section 44, or fish, it shall be the duty of the game warden, or such deputy game warden or such police officer, and the lawful privilege of such other person, to go before any justice of the peace in the county or city in which the bird, game or fish may be, and make affidavit of that fact; said justice shall thereupon issue a search warrant against the person or corporation so complained of, directed to any constable of the said county or city, commanding him to proceed at once and search for said bird, game or fish and, upon finding the same, to seize and take possession of the same and keep it until further order by the justice. The said constable shall read said warrant to the owner or person in whose possession said bird, game or fish is supposed to be. Said warrant shall be returnable within not less than twelve hours nor more than twenty-four hours from the date thereof. Provided, that the game warden, or any deputy game warden, or other police officer may also without a warrant search any boat, car, box, locker, crate, or package, and any building, where he has reason to believe any bird, game or fish held in violation of law is to be found, and may seize any bird, game or fish so taken or held, and any bird, game or fish so taken or held, shall be disposed of by the game warden as he may deem advisable for the best interests of the State; provided, however, that this section shall not authorize entering a dwelling house, or apply to birds, game or fish which are passing through this State under authority of the laws of the United States.

53. TRIALS; APPEAL. At the time mentioned in said warrant, said justice shall proceed to hear and determine whether said game or fish was in the possession of the person or corporation contrary to law; and if the said justice shall find that said game or fish was in the possession of the defendant contrary to law, then said justice shall enter judgment against the defendant and order sale of the game or fish so seized; but if the said justice shall find that the possession of such game or fish was not contrary to law then the judgment shall be that the same be returned to the

person or corporation from whom the same was taken. An appeal to the circuit court for the county, or the Baltimore City Court, as the case may be, may be taken within two hours by the defendant from the judgment of the justice upon giving sufficient bond to cover the cost of the appeal and the value of the game or fish seized, to be determined by the justice.

54-5. SALE OF GAME OR FISH CONDEMNED; NOTICE REQUIRED; DISPOSITION OF PROCEEDS. (Text omitted, see Code.)

56. IMMUNITY. The game warden and the deputy game wardens and any other officers shall not be liable for any damage or costs sustained by any person or corporation by reason of the wrongful seizure of game, wild life or fish under this sub-title; provided, however, that the enforcement of this sub-title shall in nowise prevent prosecution of persons or corporations for violations of the game, wild life or fish laws of this State.

57. ASSISTANCE. Whenever the game warden shall require the assistance of the State Fishery Force he shall so advise the Conservation Commission, and if such request be approved, it shall instruct the Commander of the State Fishery Force to forthwith assist the game warden in the enforcement of the game and fish laws of the State. And whenever the game warden or the deputy game wardens shall require the advice and assistance of the State's Attorney and sheriffs of the several counties of the State or of Baltimore City, it shall be the duty of said officers to render the required assistance as in other State cases.

58. OTTER, RACCOON, MUSKRAT. It shall be unlawful for any person to trap, catch or kill any otter, raccoon or muskrat within this State, or have the same in his possession, if trapped, caught or killed within this State, between the first day of April and the first day of January in each year.

59. PENALTIES; COUNTIES EXCEPTED. (Text omitted, see Code.)

60-68. PATUXENT AND TRIBUTARIES. NON-RESIDENTS OF STATE MUST PROCURE GUNNER'S LICENSE; PENALTIES; BOATMAN'S LICENSE TO CONVEY GUNNERS. SEASONS; GUN CLUBS, ETC. (Text omitted, see Code.)

69-71. ELK AND DEER, PRESERVE FOR; LICENSE; PERSONAL PROPERTY. CLOSED SEASON FOR SIX YEARS FROM JUNE 1, 1916. (Text omitted, see Code, and Act 1916, Chapter 399.)

72. EXPORT OF GAME PROHIBITED. It shall be unlawful to export or ship out from the limits of the State of Maryland any wild game, water fowls excepted; and it shall also be unlawful for any express Company or any common carrier, to knowingly accept any game, water fowl excepted, for shipment without the State. Provided, however, that any hunter who has obtained the necessary license to hunt within the State of Maryland, or any county thereof, shall be permitted to carry out with him as personal baggage, for own use and not for purpose of selling same, an amount of game killed by himself equal to one day's bag limit, upon exhibiting his license, if so required. Any game shipped to points within the limits of the State shall be plainly and conspicuously marked as game.

Any person or corporation violating the provisions of this section shall be liable to a fine of not less than twenty-five nor more than one hundred dollars for each and every offense, upon conviction before any justice of the peace of the State.

COUNTY GUNNING LICENSES.

By various local laws, including those passed in 1916, the following gunning licenses are required in the respective counties. These licenses are to be issued by the Clerks of the County Courts. The amounts given include the Clerk's fee for issuing the license.

Allegany: resident of Allegany, Garrett or Washington Counties, \$1.00; resident of State outside said counties, \$3.00; non-resident of State, \$5.00. Anne Arundel County:

resident or taxpayer of county, \$1.20; non-resident of county, \$5.20. Baltimore: resident of county, \$1.20; resident of State outside county, \$5.20; non-resident of State, \$10.20. Calvert: non-resident of State, \$10.50. Caroline: non-resident of county, \$5.25. Carroll: non-resident of State, \$10.50. Cecil: non-resident of county, \$10.00. Charles: non-resident of State, \$5.50. Dorchester: resident or taxpayer of county, \$1.00; resident of State outside county, \$5.00; non-resident of State, \$10.00. Frederick: non-resident of county, \$15.50. Garrett: non-resident of county, \$10.50. Harford: resident of county, \$1.15; non-resident of county, \$5.15. Howard: resident of State outside county, \$5.50; non-resident of State, \$20.50. Kent: non-resident of county, \$15.50 (if invited by land owner, \$5.50). Montgomery: non-resident of county, \$15.50; Patuxent River, non-resident of State, \$11.00 (club license, \$25.). Prince George: non-resident of county, \$20.50. Queen Anne's: non-resident of county, \$5.00 (sink box, \$10.50). St. Mary's: non-resident of State, \$20.50. Somerset: resident of State, \$2.75; non-resident of State, \$10.50. Talbot: non-resident of county, \$10.00. Washington: resident of county, 50 cents; non-resident of county, \$10. Wicomico: non-resident of State, \$10.50. Worcester (wild fowl): non-resident of State, \$10.00.

Guests of land owners require no licenses, except in Allegany, Baltimore, Caroline, Cecil, Charles, Dorchester, Frederick, Garrett, Harford, Kent, Talbot, Washington and Worcester Counties.

In several counties special resident licenses are required as follows: Anne Arundel—pusher, \$2.00; booby and brush blind, \$5.00. Cecil—Elk and Bohemia Rivers, sneak boat, \$5.50; sink box, \$10.50. Queen Anne—booby blind, \$2.50. Susquehanna Flats—sneak boat, \$5.75; sink box, \$20.75. Harford—sneak boat, \$5.75; sink box, \$20.75. Patuxent River—pusher license, \$2.50. South River—booby blind, \$2.50.

LIST OF OPEN SEASONS FOR STATE.

BIRDS ¹ —Partridge ² , Quail ² , Pheasant ³ , Grouse ³ , Turkey ³ , and Woodcock..		Nov. 10-Dec. 24.
Doves ⁴		Aug. 15-Dec. 24.
Snipe and Plover.....		Aug. 15-May 1.
Reedbird, Railbird, Ricebird, Ortolan.		Sept. 1-Nov. 1.
GAME ¹ —Rabbit.....		Nov. 10-Dec. 24.
Squirrel ⁵		} Aug. 25-Oct. 1. Nov. 10-Dec. 24.
Raccoon, Otter and Muskrat.....		
		Jan. 1-Apr. 1.
Elk and Deer.....		} Closed until June 1, 1922.
WILD FOWL ⁶⁻⁷ —		
Duck, Goose, Swan and Brant.....		Nov. 1-Mar. 15.

¹Shooting birds or game prohibited on Sundays or between sunset and sunrise, except as stated in Note 7.

²Partridge and Quail not to be killed in Frederick County until November 10, 1921.

³Killing Wild Turkey, Pheasants and Grouse prohibited in Harford County.

⁴By Act, 1916, (Sec 28-B, p. 102), Doves can lawfully be killed in Talbot County only. Elsewhere Doves are "non-game" birds, which, by Sec. 28-C of said Act, cannot be killed.

⁵Anne Arundel, Calvert, Charles, Dorchester, Prince George's, St. Mary's and Talbot Counties excepted. In Cecil and Frederick Counties open season for Squirrels runs continuously from August 25 to December 24.

⁶Federal law fixes open season for all wild fowl from November 1-January 31 inclusive.

⁷In Cecil and Harford Counties wild fowl may lawfully be killed only on Mondays, Wednesdays and Fridays from November 1 to January 1 and on Mondays, Wednesdays, Fridays and Saturdays from January 1 to end of season. All days to be reckoned from one hour before sunrise until sunset.

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